1 2	RED TAPE REVIEW GROUP
3	PUBLIC HEARING
	ON
5	UNFUNDED LOCAL MANDATES
6	
7	
8	
9	TRANSCRIPT OF PROCEEDINGS, taken by and before
10	STEFANIE TOWNS, a Notary Public, Certified Court
11	Reporter of the State of New Jersey, taken at
12	BROOKDALE COMMUNITY COLLEGE, 765 Newman Springs Road,
13	
14	Lincroft, New Jersey, on Tuesday, March 9th, 2010,
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	ASSEMBYMAN SCOTT RUMANA
9	BOB MARTIN, ACTING DEP COMMISSIONER
LO L1	
L1 L2	
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LIEUTENANT GOVERNOR GUADAGNO: 1 2 right. My name is Kim Guadagno. I'm the Lieutenant 3 Governor of the State of New Jersey. And the first 4 day of Governor Christie's election he swore in an 5 executive order Red Tape Review Group and you are looking at the members of the group. 6 Right here on 7 my left-hand side is Lori Grifa. You're still the 8 designee acting commissioner of the DCA. And then we have Senator Oroho. And then we have Senator Barbara 9 10 And on my right I have Assemblyman Burzichelli and Assemblyman Scott Rumana. 11 And then 12 the independent we have the commissioner designee of 13 the DEP, Bob Martin. What we'd like to do here is conduct 14 15 the second of three public meetings that will be conducted by the Red Tape Group by a bipartisan way. 16 17 Not to limit anyone's input, that is not to say that 18 each of the members of the group could not have their 19 own hearings, own district someplace else. We look 2.0 at that invite you to do that, in fact, so they can 21 gather everyone's comments and knowledge of red tape 22 review. I personally want to thank Brookdale 23 Community College for hosting this one on unfunded 24 state mandates. A couple of mayors in the room and 25 I'm sure they will have a lot to say. I want to

thank Brookdale College, particularly Webster Turnell for helping us out here today. And also on the way in I saw the good Senator Joseph Kyrillos. Where is he standing? In the back? I would like to invite the senator to welcome us to the 13th district if you would.

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SENATOR KYRILLOS: Thank you. Great to see you, Lieutenant Guadagno and I don't have to welcome the lieutenant governor to Monmouth County. We're proud she's one of our own and salute and congratulate her on her new role. And I don't want to turn my back to everybody but welcome my colleagues throughout legislature. Senator Buono, glad to see her here. And my friend Steve Oroho, Sussex county, members of the general assembly assemblyman Scott and John Burzichelli and two new soon to be members of the cabinet. Can we get them confirmed? I suspect we will. Good to see you both here. And lieutenant Guadagno, let me just welcome you here to Brookdale College in Middletown, Monmouth County and congratulate you and Governor Christie on this effort to tackle the thousands of pages of rules and regulations that hurt our ability to make New Jersey a competitive and vibrant economy. All kinds of reasons we've lost our place in recent years as

one of the great places in America and the world to 1 2 do business, to open up a business, to expand jobs, 3 and create new jobs, taxes, and incentives but our 4 regulations are serious inhibitors to people deciding that this is the place to grow. And so you are 6 tackling this and this is so very important. 7 time we create a new rule or new regulation, as you 8 have told me, we don't dissolve or eliminate the old rules and regulations. So I think we have some 9 10 25,000 pages now. Part of the problem is unfunded I think that's the subject for today. 11 mandates. 12 looked at your array of speakers the roster for today 13 and I'm going to listen to some of the folks here 14 myself, and they will have a lot to tell you. 15 have our work it out for both branches of government, 16 both parties to do the right thing, and to make sure 17 that we regulate appropriately, keep people safe, and 18 But at the same time we must be mindful that 19 all those rules and regulations have to ensure a 2.0 strong prosperous economy with lots of jobs and lots 21 of opportunities for the people. Lieutenant 22 Guadagno, thank you. 23 LIEUTENANT GOVERNOR GUADAGNO: 24 you very much. I very much appreciate it. 25 want to say a welcome to the assemblywoman Mary Pat

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Angelini, 11th district. That's my district.
1
   going to ask for an opening remark from the democrats
2
3
   on one side and republicans on the other side.
 4
   then we'll get started with our hearing.
5
                  SENATOR BUONO:
                                  Thank you. Good
   afternoon, pleased to be here at the second hearing
6
7
   for the red tape commission.
                                  I see Ryan Levine,
8
   Mayor Levine, a friend of mine walk in.
                                             A lot of
   victor McDonald and I'm very interested to hear what
9
10
   all of the experts in the field have to say about
   unfunded mandates which are universally vilified and
11
12
   quite rightly so. I hope to hear some specifics
13
   which I am sure we'll see how people have been
   impacted by unfunded mandates. Probably hear
14
15
   something about COAH among other things. Without
16
   further ado, to dig deeper and to find hopefully at
17
   the end of the day workable solutions.
                                            Thank you.
18
                  LIEUTENANT GOVERNOR GUADAGNO:
19
   you. Assemblyman Scott?
2.0
                 ASSEMBLYMAN RUMANA:
                                       Thank you,
21
   Lieutenant Governor. I begin by thanking everyone
22
   here at Brookdale Community College and everyone in
23
   attendance today. It is a real honor to be part of
24
   this distinguished panel. Everyone that is serving
25
   on this panel is very dedicated to the State of New
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Jersey and certainly to the mission of the Red Tape 1 Review group, which is to eliminate, amend the 2 3 regulations in the State and certainly the unfunded 4 mandates that we are facing across every 5 municipality, school board, and county. background as a former councilman Freeholder and 6 7 mayor I can tell you that I completely appreciate 8 everybody's interests and concerns on this issue as does everybody on this panel, and ultimately the 9 10 objective will be to try to help everyone reduce the property tax burden that is placed upon every 11 12 resident in our state by attacking the unfunded state 13 mandates. So, again, let's begin the hearing but 14 certainly it is a pleasure to be here with you. 15 Thank you. LIEUTENANT GOVERNOR GUADAGNO: 16 Thank 17 This is the way we're going to get started. 18 ran over a little bit last time so this time we 19 brought a stopwatch. It's a stop sign that the bad 2.0 guys over here, he works for the government, continue 21 to work for the government, John Hutchison, the 22 Governor's office staff to try to keep us to the time 23 in order to get everybody started and just made up a list of invited quests who we asked to prepare 24 25 testimony. So what we're going to do to get started

```
with that prepared list and move into an orderly
1
   fashion to the pink slips. And we'll hear from
2
3
   everyone today and we'll stay until we hear from
 4
   everyone. My promise to you is that you can submit
5
   anything that you want. If we cut you off, I
   apologize in advance. The people behind you will
6
7
   thank you and me, I hope. And if you have something
8
   you need to say also we have another hearing on March
   23rd up at Montclair University State College.
9
10
   that's plan 3. And, again, anything you want to give
   to us and submit to us, I'm happy to do. That having
11
12
   been said, our very first speaker today, frankly, I
13
   can't tell you how we picked them or came up with the
   order they're in, I trust it's completely fortuitous
14
15
   is Victor McDonald council on local mandates if you
16
   could join us, I would appreciate it.
17
                 MR. MCDONLAD:
                                 Thank you.
                                             Senator
18
   Buono and I go back quite a ways.
                                       It was a humbling
19
   experience as a long time legislative staffer
2.0
   hovering in the background --
21
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 Come
22
   into the light.
23
                 MR. MCDONALD: Come into the light.
24
   It's not fun. Lieutenant Governor Guadagno,
25
   distinguished members of the senate, and general
```

assembly, chief council Governor's cabinet, a hard 1 working staff, thank you for allowing us to testify 2 3 before you today on the issue of the unfunded state 4 mandates, and the council of nullifying statutes, rules, and regulations which violate the state mandate, state pay section of the New Jersey 6 7 constitution. I'd like to keep my remarks brief in 8 order to allow the members of the group to grill me on the subject of state mandates, state pay. 9 10 council on local mandates is a unique constitutional entity that is independent of the Executive, 11 12 Legislative and Judicial branches of State government 13 that is charged under our constitution with the sole 14 responsibility to determine whether a state law, 15 rule, or regulation imposes an unconstitutional unfunded mandate on boards of education, counties or 16 17 municipalities. The council is literally a fourth 18 branch of state government. It is not a co-equal 19 branch with the legislature, the executive or 2.0 judiciary, however, it derives its authority directly 21 for the constitution and the people. Its decisions 22 are final and not subject to judicial review. 23 the council is independent of the three co-equal 24 branches of government, its members are appointed by 25 the leaders of the branches of government, the senate

president, the senate minority leader, the speaker of 1 the general assembly, the assembly minority leader 2 3 each have an appointee. The governor appoints four 4 appointees, two without any restriction and two from 5 a list of six names submitted by the chair of the opposite party of the governor. The ninth member of 6 7 the council is appointed by the chief justice of the 8 New Jersey Supreme court. The council's charge is to resolve constitutional challenges to statutes, rules, 9 10 and regulations like a judicial body responds to complaints from municipalities, boards of education, 11 12 or county. It reviews extensive legal briefs from 13 parties involved including public hearings on Since the 14 challenges and issues, written decisions. 15 council was created in 1996 it's issued 181 decisions which resulted in the nullification to five statutes 16 17 and regulations. In May 2000 the Borough Highland 18 Park board and municipal governing council struck a 19 regulation which changed the formula on the funding 2.0 of charter schools. The legislature passed a law 21 requiring the state to pay for the added funding. 22 According to report by the department of education 23 that law resulted in nearly 55.4 million dollars in added state aid to local boards of education between 24 25 fiscal years 2001 and 2008. In August of 2004 the

council nullified a statute mandated radon testing in 1 2 public schools statutes not state wide figures from 3 the savings resulting from the decision. 4 legislature declined to reimpose and fund that 5 testing mandate. Testimony at the time the mandate would cost thousands of dollars for each school 6 7 The Monmouth Ocean education services district. 8 Commission total estimated expenses for the 38 member district at the time in the 2004-2005 school year 9 10 would have been nearly 27,000. The law mandates the retesting every five years so we killed that. 11 12 October of 2006 the council invalidated a directive 13 by the Department of transportation to counties and 14 municipalities ordering them to remove dead deer 15 carcasses on county and municipal roads, a function 16 previously performed by the state. There was some 17 dissatisfaction by some county governing bodies with 18 the nature of their victory before the council. 19 the council had relieved them of the obligation to 2.0 pay for the removal of dead dear. Some of the 21 counties had hoped that the council would order the 22 state to pay for that responsibility. The relief 23 they had hoped for was beyond the constitutional 24 power of the county. The council can only invalidate 25 or mandate. It cannot usurp the appropriation power

that is an exclusive authority of the legislature. Α 1 creature of the legislature and I'm respectful of 2 3 In 2007 they nullified a regulation by the 4 Department of Education that required an age span reduction in elementary special ed. services, freeing school districts across the state of the obligation 6 7 of hiring additional staff, providing equipment to. In December of 2008 council struck down a 8 appropriations act that would have required the rural 9 10 communities which received police services from the state police to partially pay the state for the cost 11 12 of that service. In the first year alone the 13 invalidated section, a 12.5 million dollars added 14 cost to the property taxpayers in those 15 municipalities. While some of the council decisions 16 resulted in easy to identify savings throughout the 17 property taxpayers, the real power of the council is 18 a deterrent fix on the imposition of new unfunded mandates. This effect while pervasive and ongoing, 19 2.0 is impossible to quantify giving the confidential 21 rules in effect in the legislature and nature of the 22 regulatory and legislative process. In the 31 years 23 I worked in the state legislature, all of which I 24 loved, six of them were under the instructions posed 25 by the amendment to the constitution. I cannot begin

```
to tell you of the number of bill drafting requests I
1
   personally received from the members of the New
2
3
   Jersey senate that were either abandoned or
 4
   traumatically modified once the would be sponsor
5
   reminded of their responsibility to pay for a mandate
   they wished to impose. Many requests were simply
6
7
             Others were drafted with the word may,
   canceled.
8
   replacing the word shall. And some actually were
9
   drafted with appropriations. I was only one staffer
10
   but I know for a fact that colleagues in the various
   staffs, the three other partisan staffs, the vast
11
12
   nonpartisan staff, had similar experiences.
                                                  In other
13
   words, mandates that would have been imposed in the
   past never made the light of day. This deterrent is
14
15
   the real power of the council on local mandates.
16
   Thank you again for inviting me to speak to you
17
   today. It's an honor and privilege. If you have any
18
   questions, fire away.
19
                  LIEUTENANT GOVERNOR GUADAGNO:
2.0
   takers?
21
                  SENATOR:
                            Hi.
                                 Thank you, Mr. McDonald
22
   for being here. In reading and based upon the
23
   testimony, how does the process get started?
24
   the process get started via a complaint?
25
                  MR. MCDONALD:
                                 Yes.
```

```
SENATOR:
                            So does the council have the
1
2
   ability to look at pending legislation before there's
3
   a complaint?
 4
                  MR. MCDONALD:
                                 No.
5
                  SENATOR: You have to have a request?
                  MR. MCDONALD:
6
                                Right.
7
                  SENATOR:
                            And I see that, any reason,
8
   any idea why this ability for municipalities and
   school boards and whatnot to come to the -- any
9
10
   reason why you don't think it's used more often?
                  MR. MCDONALD:
                                 That's -- that has been
11
12
   a question for us and we've -- actually legislation
13
   is to grant the associations like the county
14
   associations, county -- the school board association,
15
   the league of municipalities, the mayor's the power
16
   to start this on their own. Possibly some of the
17
   mandates are small and the towns decided we'd rather
18
   eat than fight -- fight it. One stop shopping.
19
   don't have to. That may be one deterrent. Others
2.0
   may just not be aware of us.
21
                  SENATOR: Now, one other thing, this
22
   started in 1996?
23
                  MR. MCDONALD:
                                 Mm-hmm.
24
                  SENATOR: Are you only allowed to look
25
   at things after 1996?
```

MR. MCDONALD: Yes. 1 January for 2 statutes. July for regulations. 3 SENATOR: What about re-adoptions or 4 We kind of found last week once a rule gets rules? 5 established, it never really goes away. Are you able to look at re-adoption? 6 7 MR. MCDONALD: As we understand it, 8 we're not. That's not the way the constitutional 9 amendment is five year sunset. 10 SENATOR: Thank you. MR. MCDONALD: 11 That was started by 12 Governor Brendan Byrne and it made statutory -- no, 13 we do not have that. However, I've been looking at executive order 4, which is your power to invalidate 14 15 regulations, that depending on how it's interpreted 16 is potentially missing in a four year period you 17 would see 80% of the existing regulatory mandates, if 18 interpreted the right way, come before you for 19 approval or disapproval. That's staggering. And so 2.0 I was just dumbstruck. I was fascinated when I saw 21 that that was one thing that could edit as far as the 22 regulatory process. You kill a regulation, say you

kill one that's coming up, in two years down the road

someone imposes it and that would fall under our

jurisdiction. That would be a new mandate.

23

24

25

```
I have a
                  LIEUTENANT GOVERNOR GUADAGNO:
1
2
   question. What kind of staff do you have?
3
                  MR. MCDONALD: 25% of our staffers --
 4
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  What is
5
   the evaluation that you make if there's 12 staffers,
   we're not looking at economic benefit, a cost benefit
6
7
   analysis.
             What are you doing?
8
                  MR. MCDONALD: Taking whatever the
   litigants present to you on one side the ask the
9
10
   executive agency who is each on both sides.
                  LIEUTENANT GOVERNOR GUADAGNO:
11
                                                  And
12
   that's the --
13
                  MR. MCDONALD: The complaining
   municipality's backed up by other municipalities and
14
15
   associations and bring in all the fiscal evidence.
16
   This is what we have to do to comply with the
17
   executive agency. The deputy attorney general
18
   defends the mandate and proves that's one of our
19
   exceptions and -- and not cost anything and look at
2.0
   evidence and make a decision.
21
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  That's
22
   happened 11 times?
23
                  MR. MCDONALD:
                                 Right.
24
                  LIEUTENANT GOVERNOR GUADAGNO:
25
                  MR. MARTIN: Does that include
```

```
regulations also?
1
2
                  MR. MCDONALD: Yes, the larger one that
3
   the council --.
 4
                  LIEUTENANT GOVERNOR GUADAGNO: I've had
5
   more inquiries in the last seven weeks than that.
                                 The largest fiscal
6
                  MR. MCDONALD:
7
   relief for municipalities was through the
8
   nullification through the charter school regulation.
   I mean we're opened for business. We're ready and
9
10
   people complain about unfunded state mandates.
                  LIEUTENANT GOVERNOR GUADAGNO: I think
11
12
   the mayor's in the room wouldn't mind your address
13
   right now.
                  MR. MCDONALD: Yup.
                                       We're a beautiful
14
15
   web page.
             You can file electronically. Very user
16
   friendly.
17
                  LIEUTENANT GOVERNOR GUADAGNO:
18
                  SENATOR BUONO: I have one question.
19
   Do the litigants require representation? Do you have
2.0
   -- do they have to hire a lawyer?
21
                                 They can come down
                  MR. MCDONALD:
22
   without legal representation. You don't have to be
23
   an attorney to file.
24
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  I think
25
   we have to look at that some more. We definitely
```

```
need to look at that some more. Come back to you
1
2
   outside this proceeding. I see the red light is on.
3
   I don't know what happens with the red light.
 4
                  MR. RUMANA: Quick and formal poll, who
5
   is a council member, mayor or freeholder in the room,
   raise your hand? I thought we had a lot more.
6
7
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 A couple
8
   more than that.
                  MR. RUMANA: How many have heard about
9
10
   the council on local mandates? How many of you have
   made use of the council on local mandates?
11
                                                 Nobody?
12
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  I think
13
   we want to ask them why. Hear from some of them
14
   today.
15
                  MR. RUMANA: Not asking that to
16
   embarrass anyone. We didn't use it either. I was
17
   through this experience and I'm very surprised about
18
   it.
19
                  MR. MCDONALD: We've had articles in
2.0
   the League of Municipalities, magazine articles.
21
   We're open.
22
                  SENATOR OROHO: I was on local council.
23
   I would admit I was on the Franklin Borough.
24
   didn't know of that but attorneys or whatnot would
25
   know. I'm intrigued by the fact that it hasn't been
```

used more often. 1 2 MR. RUMANA: We're not making effective 3 use out of the council. 4 LIEUTENANT GOVERNOR GUADAGNO: I don't 5 want to cut anybody off. I promised everybody I would give everybody equal time. What we'll do is 6 7 come back to you. We have a lot more questions. 8 This is a surprise, absolutely. Thank you very much, Mr. McDonald. I appreciate it. 9 10 Okay. Marianne Smith from the New Jersey League of Municipalities. 11 12 SENATOR OROHO: I want to thank 13 Marianne for coming down. She's the administrator from Hardyston Township in Hudson County. Marianne 14 15 has done a tremendous job putting together an 16 analysis of mandates. Marianne, I want to thank you 17 very much for doing that. If I have an issue to say 18 how does this effect municipalities, few people to 19 call, Marianne is one of those people. So Marianne, 2.0 thank you. Thank you. And I 21 MS. SMITH: 22 appreciate the opportunity to speak to this very 23 prestigious panel and the administration and the 24 legislature for assembling this. It's needed in 25 difficult times and even before times were difficult

```
we believed that there are a lot -- there's a lot of
1
   work to do relative to mandates. I will try to keep
2
3
   my comments brief in view of those behind me.
 4
   you I have submitted a package. It has three tabs.
5
   In general I would like to draw attention to three
   specific issues. The first tab is a comprehensive
6
7
   listing of the mandates that we were able to compile
8
   two years ago. In 2008 we had presented testimony
   before both the assembly and budget committees and at
9
10
   that time the chairman of the assembly committee,
   Chairman Greenwald, had asked if someone would put
11
12
                                          They had heard
   together a list of all the mandates.
13
   a lot of people mentioning it. We heard that
14
   challenge and put that together. So, you know,
15
   again, I wouldn't belabor each one. I am sure those
16
   that follow me may speak specifically to some
17
   particular issues. This kind of gives you a good
18
   sense.
19
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 Great
2.0
   stuff.
21
                 MS. SMITH: It's extensive.
                                               And, you
22
   know, in times like these, a lot of them, probably
23
   most of, them are noble in nature. But we're at a
24
   time where we have to decide what's nice to have and
25
   need to have, and we would really beseech the
```

community and the administration too. I was very 1 2 interested in the prior speaker and even that 3 possibility of being able to revoke things if there 4 could be some kind of process where things were reviewed not necessarily -- we're not the expert to say whether a mandate should stay or go. 6 Those that 7 have specific knowledge of that to review it to see 8 if it's still efficient and viable and necessary, because they're overlapping many times. So, again, 9 10 that is in your packet. The second area, although it's not necessarily a mandate in its normal 11 12 definition regulations being mandate a lot of things 13 from municipal government and businesses. particularly when we speak of DEP regulations and 14 15 changes to those regulations, that has such a 16 tremendous impact on how governments can work and how 17 they can assist their community and development's 18 economic prosperity. And Hardyston Township particularly I've highlighted the situation that we 19 2.0 have only because it's a good example. We have a 21 very large development that has been developing for 22 over 20 years with the waste water management plan to 23 require updates to county plans and in Highlands 24 community, which we're one, it is the foundational 25 layer of this planning process is the Highland

regional master plan, even in the planning area, and 1 this memo will kind of give you, if you to go the 2 3 fourth page and beyond, what we did is take this very 4 vibrant community that already has like a thousand 5 units and a 70,000,000 hotel in it, they have considerably more development to accomplish over the 6 7 So what we looked at was the potential coming years. 8 labor investment that could be generated in future development of that project, material cost, and also 9 10 the tax impact both on the local level, county level, and the state level. And by modifying regulations it 11 12 impedes development that as provided, you know, and 13 constraining sewer service areas where developer made investment based on confidential approvals that they 14 15 had and removing that basically what you're doing is, 16 you know, translating to developer and communities 17 loss of security, you know, in their investment and 18 that translates into loss of jobs, loss of tax 19 revenue, and loss of residents and business from New 2.0 Jersey, which we can't afford. So, again, that just 21 kind of gives you a good thumbnail of what we're 22 talking about. It's not just let's try to help level 23 percent or let's try to help ratable growth or 24 whatever it is has true impact across the board. So 25 the other area I want to just mention you have those

regulations impacting large development and smaller 1 This is a very brief example. 2 development. We have 3 a business that's not in the sewer service area. 4 Right next to it the pipe runs along the property 5 because it's next to the sewer service area, their septic system is failing. They employ 150 people. 6 7 They cannot hook up to that sewer and there's 8 allocation available without doing a waste water There needs to be a process that 9 amendment. 10 accommodates emergency situations that would actually improve the environmental situation and we don't have 11 12 those types of really sensible solutions in 13 regulation that really would help the business, help 14 the environments, help, you know, our residence who 15 are employed there, and help the municipalities. final point I wanted to share is the third. 16 17 Hardyston Township is very progressive and active in 18 the area of shared services. And this is just a 19 three page spread sheet of all the different shared 2.0 services that we have entered into. Their status 21 ongoing or they've being retired for one reason or 22 another. And my point on this is the way that shared 23 services are currently incentives by the state level 24 you can apply for funding to have a consultant do a 25 study. I'm not just bragging about Hardyston, other

municipalities are equally successful in this arena 1 that succeed, and the knowledge and experience came 2 3 at the cost of the taxpayer dollar. I mean I've been 4 doing this for 15 years. When I retire, I can become a consultant and do shared services. I don't think 5 that's fair. I think that we should think about 6 7 mentoring. It's a problem within our communities. 8 We need our communities to be successful, apply to be a community that could be consulted with other 9 10 communities that want to consider shared services, possibly a grant for the mentoring community. 11 12 there's a formal agreement between two 13 municipalities, maybe it would not be the mentoring community, may be it's the facilitator, it could be a 14 15 token or some kind of thatta boy to those communities for a job well done. I believe you're creating 16 17 cohesiveness between communities. Consultants in and 18 out, I'm not disparaging consultants, they do a good 19 job. But they go there and leave. We want to 2.0 develop a sense of community of strength of trust 21 between communities that move forward into, you know, 22 coming up with innovative solutions. So that's an 23 idea that I would like to present as well. 24 again, thank you for this opportunity. 25 LIEUTENANT GOVERNOR GUADAGNO:

you. Any questions?

1

2

3

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2.0

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SENATOR BUONO: You obviously spent a lot of time on this. It's a very methodical listing what the mandates are. Have you ever gone through the exercise of identifying which mandates are the most onerous that you feel balance all the interest, 7 public safety cost would be the first on the chopping block? I don't want to put you on the spot.

MS. SMITH: Bill Dress and I have actually talked about that a few times because I'm not -- while I deal with them as a layman on multiple different levels, I'm not an expert. And I think it would be presumptuous of me. That would be something that possibly there should be a system where there is an expert group in certain areas, public, state, or planning or whatever that looks at them really with an uncompromising eye to say objectively, is this really working. But unfortunately I mean I'm a jack of all trades.

MS. GRIFA: If I could just make a Shared services is -- I'm learning in my comment? own department is a large part of what we're supposed to be doing. And one of the things that I learned from people who work in my department is that their first impulse is to suggest to those involved in the

exploration of these issues is to hire a consultant. 1 And in the four weeks, I've been on the job 31 days, 2 3 I have discovered that nobody needs any consultants 4 because this is happening organically on the local level and it has been for quite some time. list's really impressive. And you really ought to be 6 7 the poster child for shared services. This is the 8 best I've seen. And hearing more and more every day, mayors that are engaged in these kind of shared 9 10 services in mentoring relationships. I had lunch with a mayor, some of the bigger towns, getting 11 12 nothing, without shared services with smaller towns 13 it's promoting efficiencies. Smaller towns rate 14 smaller ratable base get out from under. They don't 15 have to continue to employ public work sanitation et. 16 cetera, et. cetera. I would invite you specifically 17 to communicate with my office and maybe we can run 18 out some templates. I would like to think through 19 the league there's a lot of sharing with these kinds 2.0 of agreements. I believe some are done on a 21 handshake which is fine too. If we can be in touch 22 we could, perhaps, provide your example to others who 23 might not be as far ahead as you are. MS. SMITH: 24 I want to add to that in 25 addition to the cost savings we're finding we do --

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do a service for a smaller one. We have a manager we
1
2
   have, you know, public works director, full-time.
                                                        Wе
3
   have resources that these little towns don't.
 4
   able through a kind of a big brothers type
5
   arrangements, have a little bit more future planning
6
   and comprehensive administrative focus.
                                              They are
7
   just going to step up a little bit.
8
                  MS. GRIFA:
                              All good.
9
                  MS. SMITH:
                              It's being not only a good
10
   neighbor, obviously, helps us too to have neighbors
   that are kind of growing. Presently we're involved
11
12
   in five other negotiations for five additional shared
13
   services agreements. One is the DPW.
                                           The first time
   that we do that and that's significant when you know
14
15
   what you're doing, it can take a couple of weeks.
16
   can take that long to write an RFP for a consultant.
17
                  LIEUTENANT GOVERNOR GUADAGNO:
18
   else?
19
                  SENATOR OROOHO: Marianne, thank you
2.0
   very much.
21
                  LIEUTENANT GOVERNOR GUADAGNO: One last
22
   question real quick, why haven't you filed a
23
   complaint with the council of local mandates?
24
                              I didn't know it was a -- I
                  MS. SMITH:
25
   was aware it existed. And I think you did some work
```

1 in Sussex County on state police services, but I was
2 not aware of what the process was. It kind of seems
3 easier than I thought it was.

4 LIEUTENANT GOVERNOR GUADAGNO: Great.

5 Thank you.

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2.0

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MS. SMITH: Thank you.

LIEUTENANT GOVERNOR GUADAGNO: Thank
you very much. Next on our list is the mayor of
Brick, Mayor Steven Acropolis. Thank you for coming
all the way up to Monmouth County.

MAYOR ACROPOLIS: Thank you very much for giving us the opportunity to come up to speak about this. We kind of went through it and the report kind of -- it's there. I'll go through it as quickly as I can to get it on the record. there are any questions. We basically went to our different departments and asked them to give us a quick little list of what they thought. Purchasing came up with, you know, something as little as office supplies. Once the State of New Jersey awarded one out of state vendor, Staples, and then they increased our previous contract prices and limited our ability to shop at sale price. The same thing with auto parts. Same -- paying the same. It's on the state contract. The property tax reimbursement program.

```
The state provided a hot line for the tax collector
1
   and the state has been very helpful.
2
                                          The tax
3
   collector state aid numbers and the numbers on the
 4
   tax bills confuses residents property tax relief.
5
   Easy for the state if it's provided in bulk for
   municipalities for property tax reduction.
6
                                               Several
7
   years ago we were only required to include our insert
8
   with the tax bills, the total amount received for
   state aid to our budget. Three years ago Governor
9
10
   Corzine changed the calculation be included on each
   tax bill, supposedly reflecting the amount each
11
12
   taxpayers bill was reduced by. We were never able to
13
   really verify that information and as it says in here
14
   it was propaganda.
15
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Was that
16
   a regulation?
                 MAYOR ACROPOLIS: That was something
17
18
   they required us to do.
19
                  LIEUTENANT GOVERNOR GUADAGNO:
2.0
   that it's done, is the expense gone or is it --
21
                  MAYOR ACROPOLIS: It's confusing.
                                                      When
22
   they see it, which is this what it says it has to be
23
   included says state aid used to offset local property
24
   taxes, the budgets of government agencies funded by
   this tax bill includes state aid.
25
                                       The amount of
```

state aid will get that on this parcel equal too --1 2 LIEUTENANT GOVERNOR GUADAGNO: Okay. 3 MAYOR ACROPOLIS: There's a number. 4 I'll leave that with you. It's public record. It's got the guy's name on it. 5 It's okay. Municipalities 6 bearing the dozen state run property tax program. 7 Most questions or programs with this form are --8 we're really trouble shooting them at municipal office which includes time spent explaining the 9 qualifications. Our office filled out 2600 forms 10 11 last year. Many residents are unclear about the 12 Many times our staff calls to assist in 13 getting any anomalies addressed from time we 14 shouldn't be included. People have that state 15 program they come to us and ask the questions. 16 time consuming. We would recommend a simplified cost 17 tax saving program particularly for seniors and 18 disabled residence IPE a rebate through the tax 19 return, like a credit. As a credit as opposed to a 2.0 rebate program. Many programs available, several 21 deductions, redemptions. Some residents are 22 receiving benefits that they don't actually qualify 23 Some people say, I didn't make the cut by \$34 24 and they don't get that. We have to look at that, 25 review all state mandate programs, benefit figures to

the state. It's a shell game right now. 1 expensive and not real. If there are rebates to be 2 3 applied, it should be more effective and accurate to 4 have them administered through the treasurer to 5 request the state announcement. It's not mandates, 6 per se, it's things we have to do as a municipality. 7 The state announcement that effects the taxpayer with 8 regard to collection prior to being released to the media or at least have us in the room. 9 10 LIEUTENANT GOVERNOR GUADAGNO: want to explain it to them before --11 12 MAYOR ACROPOLIS: What happens, that's 13 what they say here, they release the announcement, 14 our collectors get the phone calls and say what -- we 15 get it two days later. That one thing it saves them 16 the time that they -- to have to go back and do it 17 over and over again. I want to touch on a couple of 18 Land use and NJDEP should immediately 19 proposed rules and expedite approvals for tier 1 and 2.0 tier 2 wind and solar panels. NJDEP consistently --21 I appreciate that a percent just coverage, there is a 22 need for clearly stated regulations along with a 23 reasonable threshold for requiring public access for 24 the waterfront. I know you're for commerce and 25 industrial waterfronts should be eliminated, NJDEP

prohibiting mitigated fees for providing off site 1 access, and basically what they're talking about they 2 3 lost sight of incentives and their regulation they 4 intend to interpret the rules, which is extreme in 5 many situations. Frequently an application to the NJDEP on behalf of the township or county, they go 6 7 out of the way to have a costly review and provide 8 erroneous hurdles to get a permit. If we have to withdraw an application because we thought it would 9 10 be a flyover review and instead they want us to spend \$30,000 on a review because it's right next to Lake 11 12 Riviera in our town, and we are replacing a gazebo 13 and repaving a walkway, that's all we're doing. we had to go from the flyover review. Cost us 14 15 \$30,000. So basically you have government programs, 16 government projects that are being reviewed by 17 government agencies paid for by governing grants. 18 You talk about consultants before, I think that's one 19 of the big problems that we have. You know the state 2.0 agency should really be -- it should be a courtesy 21 review rather than a regulatory review. A planning 22 board reviews education and the application and other 23 public entity development application and if at the 24 development application meeting the intent of the 25 rule is the state agency not stand in the way to

provide public access to the waterfront municipal 1 services, there has to be another one for better need 2 3 for communication through the DEP and DCA. And these 4 agencies seem to be in conflict with one other. Stuck in the middle. There's -- that's why they're 6 sitting on opposite ends. Throw things at each 7 They often say managers are in place to the 8 entities such as the state planning commission, and the staff level employees do not get the message 9 10 delivered to them. Coordinating the efforts to the higher levels of the message of cooperation and to 11 12 not make it down to the employees at their desks 13 regarding permits and developments, it's fine for 14 coordination at the highest level, however, it 15 doesn't make it down to the employees who review the 16 application and it's worthless. For example, the 17 township plan endorsement 2007 we were asked to adopt 18 a streetscape ordinance to improve pedestrian 19 connections between commercial properties. We allow 2.0 pavers and other landscaping techniques to improve 21 the aesthetics to the sidewalk areas and the project 22 reviewers did not allow pavers to be installed in the 23 right-of-way. On one hand I am with the state, we're 24 not complying with the NJDOT permit. So it really 25 does make government look a little bit incompetent.

Moving on to, because I'm only talking about certain 1 2 things, regulation should be equipped with adequate 3 waiver provisions to account for the -- in addition 4 of regulations to anticipate scenarios future 5 technology. Defined waiver requests should be established. And when direction's given during a 6 7 pre-application meeting, NJDEP is held to that 8 direction so we can depend on it when we design the job and submit the application. Otherwise, there's 9 10 no need to have a pre-application meeting. And per the 90 day rule NJDEP, 90 day clock ticking when 11 12 administrative items, those are identified on the 13 checklist are complete. No particular review. Items 14 should be required to start the 90 day clock. NJDEP 15 had thorough review of application documents, approve 16 a comprehensive list of written documents and they 17 cause us to make many rounds of submissions in 18 multiple post mail. Okay, closing up here. Either 19 move the law enforcement budgets outside the spending 2.0 caps, which 48% of our municipal budget is public 21 safety or do away with binding arbitration. The NDEX 22 system, information sharing systems, allows real time 23 exchange of records. That should be available to 24 every police officer. Fund state mandated training. 25 The attorney general mandates periodic training and

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while it's necessary it causes us many hours.
1
2
   departments to test out in roll call as opposed to
3
   mandated hours of training. The best example is
 4
   mandated domestic violence training. The officer of
5
   our department handle multiple DV jobs a day.
   know the subject matter better than the training.
6
7
   Closing, do away with civil service and we would be
   much better off.
8
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  That all
9
10
   you want?
                  MAYOR ACROPOLIS:
                                    Just a little.
11
12
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  That's
13
   why we have a bipartisan panel.
                  MAYOR ACROPOLIS: Absolutely.
14
15
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
16
   you very much.
17
                  MR. MARTIN: Our state holder
18
   discussion at DEP you have a lot of good ideas there
19
   and a lot of questions that need to get to the table
2.0
   to discuss with our state holders.
21
                  MAYOR ACROPOLIS: Get a hold of us.
22
   I'm sure you have our contact information.
23
                  MR. MARTIN: Fabulous. Thank you.
24
                  LIEUTENANT GOVERNOR GUADAGNO: As part
25
   of the executive order the governor signed he did
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mandate waiver provisions on all our agencies
1
   published on the website. I'm sure we're doing that
2
   right now. And the same with the time of decision,
 4
   which is a set time for the decision.
                                           You can
5
   predict the outcome right or wrong you may not win --
                 MAYOR ACROPOLIS:
                                    I didn't know I was
6
7
   mandated to use the council on mandates.
                                              There you
8
       I didn't know. Get his card on the way out.
   go.
                 LIEUTENANT GOVERNOR GUADAGNO:
9
                                                 Mayor,
10
   how are you?
                 MAYOR LEVINE:
                                 Good.
11
12
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 I think
13
   we have been given an outline?
                 MAYOR LEVINE:
                                 Yes.
14
15
                 LIEUTENANT GOVERNOR GUADAGNO:
                 MAYOR LEVINE: Lieutenant Governor
16
17
   Guadagno, Senators, assembly people, commissioners, I
18
   appreciate the honor of being able to address you
19
   here. I really do. And I'm going to go through a
2.0
   few things here and some of them might be
21
   sticcotawish so I can kind of fill you in on it.
22
   the other Franklin down in Somerset County.
23
   grow up and graduate school in Senator Buono's
24
   district.
25
                  SENATOR BUONO: We got some of your aid
```

1 one year.

MAYOR LEVINE: We're Somerset County. 2 3 We touch New Brunswick on the northeast and Princeton 4 on the southwest, 6000 residents census show about 40 5 square miles. And also you will excuse me I have a council meeting tonight and I have to leave before 6 7 Sorry to be rude about that, you conclude here. 8 three aspects, one I will put my mayor hat on. think I have a good relationship with my board of 9 10 I think I can tell you things I've experienced with them and when I'm not mayor because 11 12 it doesn't pay that well, I am a CPA so I will tell 13 you what I noticed in industry and private business And just hit a few of them quickly with DOT if 14 also. we have got a project we all know it would take -- I 15 16 mean we in my town literally months or years to get a 17 traffic light or an approval or things such as that 18 because it's just -- I'm guessing they're understaffed. I'm not sure what the thing is. 19 2.0 often happen with the DEP where it's long time I've 21 got a site in town I want to clean up and waiting, 22 and waiting and waiting months, could be years for 23 And a quick example where I was actually 24 trying to put affordable housing. This wasn't part 25 of COAH. It was good for my town and it was in the

northeast section. And a rule came down from DEP 1 that, look I'm an environmentalist but there was an 2 3 endangered species, the Indiana bat was seen 25 miles 4 away in Morris County. No trees could come down between April and September. Now, I'm 40 square This project was probably less than one 6 miles. 7 quarter of a square mile. They were pushing it into 8 Didn't finish engineering plans. Never had 9 to take down the trees. It was a tug of war between 10 my wanting affordable housing and environmentalists that -- again it caused delays and me getting people 11 12 into town. Also you may notice this, just my 13 observation, especially DEP could be other places. 14 The fines levied on municipalities cease to have 15 increased in the last several years, translating 16 property tax dollars to the state coiffeurs. 17 me reroute my money. I could get away with a 18 warning. Now it's tens of thousands of dollars being 19 assessed. And next one I'm going to hit upon an open 2.0 public records act. It's a great law. I like the 21 philosophy. I like to consider myself a mayor open 22 government but I can tell you it's -- I often find 23 commercial ventures -- I'm not sure if there's a 24 solution to this just so you know coming and asking 25 my staff to do research on their behalf, appraisers,

engineers they want to see all the values of 1 properties or such as that. And is there going to 2 3 use that to turn around to solicit business and 4 sometimes someone in my clerk's office spends half of the working week looking at things. Again, someone wants to sue us or problems or something and their 6 7 knowledge is their job. I'm great with that but, you 8 know, we know whose asking. And, again, I'm not sure how to do that but that's an observation that I've 9 10 made. LIEUTENANT GOVERNOR GUADAGNO: 11 12 everything on line. Let them do their own searches. 13 MAYOR LEVINE: That would be good. 14 tried to put more and more on line that can actually 15 maybe solve it. Often someone will say I want 16 everything that has to do with this lot and block 17 number. So every department has to do their 18 research. It's not like I want to know 19 environmental. So sometime we're cutting across 2.0 department lines. Maybe if we were on line in a nice 21 database that may work. And sometimes they're well 22 intentioned rules, they're well intentioned rules 23 every once in a while there are extra fees that are 24 attached to auto tickets and that's fine. That's a 25 good goal. What happens this happens such I find

that the price of the tickets, if it's \$50 a lot of 1 2 people might say, I'm going to pay it and get out of 3 it. But if it starts going into hundreds, now it's 4 worth it for me to fight it. Now taking more and 5 more judge and prosecutor time. And if I need a public defender to do that. You all know about COAH. 6 7 I think it's a good idea with bad implementation 8 comes around. Again, I know we need affordable housing. It's just to let you know the ancillary 9 10 I've had -- I've had to pay two rounds \$60,000 for a consultant each round to tell the -- tell the 11 12 state how many units it wants me to have because the 13 formula is so convoluted and attorney's fees. I'm 14 quessing those costs are a quarter of million 15 dollars. Again, planners and lawyers we have a good 16 plan. I have to say it was very open and good one 17 but, of course, the developer lawsuits because they 18 might have been excluded going to see more going 19 there. Also now, to hit, and some of these might be 2.0 slightly off because this isn't my field, QSAC 21 quality single accountability continuum, three years 22 review curriculum budget. It's a good program, sees 23 that everything is in its place. Very intense and 24 time intensive, time and costly preparation. 25 three years? My district gets the highest rating,

highly performing district. The work is good. 1 2 district consistently gets good, but maybe five years 3 instead of three. Its working well. That would save 4 me tens of thousands of dollars on something such as 5 And I'm sure a lot of your districts would do Learning committee, education learning 6 that too. 7 committee craft professional learning for educators 8 mostly in schools create committee for professional planning for staff. And it's literally about twelve 9 10 inches thick. I mean it is a good idea but it's so much time and money wading through all of that and 11 12 implementing. That's one thing that I'm sure could 13 be done efficiently. If 13 inches went to nine, maybe that would save me 2,000 bucks. Something else 14 15 called education to go and not to be a broken record. 16 I know no one has records any more. 17 LIEUTENANT GOVERNOR GUADAGNO: 18 dated yourself. 19 MAYOR LEVINE: Okay. So my daughter 2.0 once told me you got a big CD when I pulled out an 21 album. for prepare and teach for 21 concept that's 22 my broken record. It's time consuming. Some kids 23 we've implemented we have a great superintendent 24 extra period of math, extra period of reading. 25 That's what they need. Great high tech. I know they

need that for the future but a whole formal program 1 2 on doing it is eating up such thing, state 3 eligibility requirements in general. It's supposed 4 to save money which it actually does but because all these things come down, it's eliminating a lot of flexibility at the local level. We've implemented 6 7 I think the fundamentals are more reading and math. 8 The superintendents share that but with all these extra things, the innovative programs the flexibilities on the local level are more stifled 10 because there's not money being done there and if the 11 12 superintendent's could do things like extend 13 probation for people instead of being so harsh, they'd have more flexibility in bringing people in. 14 15 Now, end up with accounting hat on. One thing 16 quickly the chief three aspects for unemployment and 17 disability in New Jersey unemployment disability 18 family leave look at your W-2 and you'll probably see 19 three lines on there. The other 49 states are 2.0 content enough to have one line for everything. 21 have to report it three ways to the state. I have 22 client, because I am a CPA, the employer had to print 23 an extra W-2. They wouldn't fit on one. I'm not 24 sure if the state is processing three different 25 areas. I know the other 49 think it's okay to put

```
that together. That could be something that we look
1
2
        Also, quickly, because I see my lights changed
3
   color if, again, with my CPA hat on, if I prepare a
 4
   tax return for a small client, I told this to the
5
   assembly budget a few weeks ago, two pages long.
6
   do that return that goes to the State of New Jersey.
7
   It could be as many as 20 pages.
                                      So I'm quessing
8
   since the IRS needs two pages, we might be processing
   more than we need. And here's a big danger because
9
10
   my CPA is my livelihood, one thing on the life with
11
   the boards of accounting, which I love you do great,
12
   a couple of years when I renewed my license I sent it
13
   over to Trenton. They said they didn't get it.
                                                     They
14
   didn't get it. It was certified.
                                       I showed them.
                                                        Ι
15
   called up the Newark office. They told me I can't
16
   access the records you sent to Trenton.
                                             We don't
17
   know that you sent it. My thing was I want to keep
18
   my license. The board of accounting, you're not such
19
   a big board. So I had to go through Trenton, find
2.0
   out, and do it that way. So I love them.
                                               Keep my
21
   license but it's one thing I know so I tell you one
22
           Looks like my light is red.
23
                 LIEUTENANT GOVERNOR GUADAGNO:
24
   ahead.
           Tell us one more.
25
                 MAYOR LEVINE: Again, I'm giving away
```

```
my secrets. I'm going to change my secrets.
1
   had a client come in just a couple of months ago, a
2
3
   statute of limitations to do an audit a sales tax
 4
   problem two and a half years ago they're saying I owe
5
   sales tax. Do you think you owe it? He said, no.
   This was the IRS pull out the records.
6
                                            I know look
7
   at it and send it in and provide it to them.
8
   the state so I said to him, you know what, write a
   letter says everything is fine. Please tell me
9
10
   otherwise by the time they respond to you in nine or
   ten months, the statute of limitation's is fine.
11
12
                 LIEUTENANT GOVERNOR GUADAGNO:
13
   should have told you we are transcribing everything
   over here.
14
15
                 MAYOR LEVINE:
                                 There's a few
   prosecutors in the room. I'm sure the statute of
16
17
   limitations had passed.
                             He didn't -- it was easier
18
   way than digging up the old records.
19
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 You were
2.0
   missing an opportunity. Any questions for the mayor?
21
         Thank you, mayor. Thank you for coming down.
   Okay.
22
   I appreciate it.
23
                 Mayor Scharfenberger, the Mayor of
24
                Did he just step out now?
   Middletown.
                                           Get in big
25
   trouble. Mayor I saw him walk that way. All right.
```

```
We're going to take Anthony Mercantante. Mayor, do
1
2
   you have anything to say?
 3
                  MAYOR SCHARFENBERGER: I didn't prepare
 4
   anything. In fact, I was going to let the
5
   administrator talk.
                  LIEUTENANT GOVERNOR GUADAGNO:
6
                                                  Anthony
7
   Mercantante?
8
                  All right. Here you go, mayor.
9
   are you?
                  MAYOR SCHARFENBERGER: Very good.
10
                                                      Very
11
   good.
12
                  LIEUTENANT GOVERNOR GUADAGNO:
13
   Middletown, if you don't know, is the largest town in
   Monmouth County.
14
15
                  MR. MERCANTANTE: Good evening.
16
   primary thing we were going to talk about tonight I
17
   wanted to address with you is the issue of civil
18
   service and the impact it has on municipalities.
19
   just want to give you one little story about that.
                  LIEUTENANT GOVERNOR GUADAGNO: Could
2.0
21
   you turn the microphone up?
22
                  MR. MERCANTANTE:
                                    Sorry, in January I
23
   got a -- January I got a letter from the state civil
24
   service commission. It was a letter addressing an
25
   appeal employee had filed about their title with the
```

```
civil service commission. They were dissatisfied
1
2
   with their title. So a typical fairly routine
3
   process. However, the appeal by the employee was
 4
   filed in 2006 and I got a letter six weeks ago in
5
   2010 and the letter ironically --
                  LIEUTENANT GOVERNOR GUADAGNO:
6
                                                 Say that
7
   again?
8
                  MR. MERCANTANTE:
                                    The employee filed an
   appeal in 2006 about their title.
9
10
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 Right.
                 MR. MERCANTANTE: We got a response in
11
12
   January of 2010.
13
                  LIEUTENANT GOVERNOR GUADAGNO: Okay.
                  MR. MERCANTANTE: And ironically the
14
15
   letter, one sentence in it initially accept our
16
   apologies for the delay in this response. I think
17
   four years is a little bit more than a delay.
18
                  LIEUTENANT GOVERNOR GUADAGNO: Which
19
   opens you up to back pay and --
2.0
                  MR. MERCANTANTE: This employee's
21
   perfectly happy in a stable position.
                                           That's not an
22
   issue. This issue was resolved by us internally
23
   months after the appeal was filed. But yet somehow
24
   it was winding its way throughout the --
25
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 In 2006
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who was your county administrator in 2006? 1 2 MR. MERCANTANTE: Lou Paparosi. 3 LIEUTENANT GOVERNOR GUADAGNO: 4 Czech. Do you know whose the head of civil service 5 now, Bob Czech? MR. MERCANTANTE: 6 Yes. He was not 7 there when this letter was written. I just want to 8 point this out. One of the things we see with the 9 civil service process it's really a huge example of 10 the state micromanaging personnel decisions at the 11 local level. And they have so many impacts to us in 12 so many ways. One of the areas is just our ability 13 to hire people. If you're familiar with the process 14 in order to fill most civil service positions, it's 15 necessary to ask the state for a list. 16 experienced one to two years in actually getting the 17 In some cases the list comes back as you know 18 you have to generally pick from the top three after 19 the two years, two names on it. It didn't really 2.0 matter that you have waited. We have other 21 situations, though, where you essentially have a 22 In our situation if you have an open 23 position and you really need to fill that position, 24 you have to hope somebody's willing to take the job. 25 What's called a professional basis. Then they're in

that job with the possibility that that list when it 1 2 does come out a year or two later, may not have them 3 in the top. I can tell it does happen. I have a 4 situation right now where I have an employee in a position, young professional, late 20's and is doing 6 a great job for two and a half years. The list 7 finally came out and this person is not number one. 8 But the number one person on the list is a veteran. No problem with that but the person is also a retired 9 10 police officer making a handsome pension, I might 11 add. Now we're going to bump this person out of a 12 job who has been doing it for two and a half years 13 doing a good job. That is a system that's broken. 14 Something is wrong with a young professional losing 15 their career essentially to that system. 16 wouldn't go through all the issues. We have 17 disciplinary processes is a nightmare. You end up 18 keeping employees that should not be kept as 19 employees. The battle over moving them even though 2.0 egregious things not worth the fight in many cases, 21 many issues. But two areas that I want to touch on 22 really effect our ability to be efficient. 23 to do with, as you know, we are under a lot of 24 pressure to shrink government, shrink the size of our 25 staff. Hard to do. And one of the reasons is that

in civil service communities you can't transfer the 1 employees from one department to another without the 2 3 employee's permission. If I have an opportunity to 4 save a job or move somebody from one department to 5 another, it's more efficient, can't do it unless the employee says it's okay. And if it's not okay, you 6 7 have a fight on your hands. What do you do? 8 probably keep that person in a position that you really don't need them. The other area became an 9 10 impediment. I was glad the speaker from Hardyston spoke about shared services agreement. 11 Touch on the 12 consultant thing. When civil service comes into 13 play, it's unclear how you handle shared service. 14 With multiple municipalities some have civil service 15 and some are not and attempts to clarify those rules, 16 it's still not clear what happens when municipalities 17 go into and out of shared service arrangements 18 halfway through and one of them is a civil service 19 town or not -- not clear what happens. So what 2.0 happens instead, it's so complicated. Municipalities 21 say, forget it. We can't figure this out. Worried 22 to get in a fight with union or other association. 23 We just don't do it. The hassle is just not worth 24 That's an area you really need to address. 25 was glad with the comments of issue of consultants

Middletown shared service agreements for many, many 1 Some that haven't 2 years and very successful ones. 3 worked out as well either. You learned shared 4 service agreements for construction services, for 5 animal control, for planning for affordable housing administration, all sorts of areas for shared 6 7 But the problem that we have never had one services. 8 set up by a consultant. Always set up by a professional in the municipalities, they know what's 9 10 going on. The fact is you hire a consultant to do a shared services study, a good chance done with the 11 12 study one of the officials in the municipalities will 13 not want to do it or different viewpoint, wasted time 14 doing the study. That money -- that was millions and 15 millions of dollars set aside to the consultants. 16 Far better used to provide incentives to have the 17 municipalities enter into them, perform well to 18 offset salary costs or something like that. 19 would have been far better spent and far more shared 2.0 service arrangements on the grounds. So that's it. 21 I don't really have anything else to add. 22 SENATOR BUONO: How are you? 23 two questions. One, civil service, you say it's a 24 system that's broken. Are you advocating 25 abolishments and if you want to put it on the ballot,

could you put it on the ballot to opt out? 1 2 MR. MERCANTANTE: Not now. I've been 3 working with the league, probably hear a speaker 4 later the board here to talk a little more about this. There is some work being done to elections to And I think that's where we need to go 6 opt out. 7 It may work fine for certain communities. I'm 8 I doubt that. I don't want to take that not sure. option away from municipalities. 9 There should be a 10 process whereby local governments opt out. In the '70's --11 12 SENATOR BUONO: I thought you could opt 13 out if you put it on the ballot? Let's leave it up 14 to the community to make a decision to opt out. 15 think it's -- it would work very, very well. 16 something we're really supportive of. And then the 17 other question I had and I think you were talking 18 about the millions and millions of dollars that were 19 set aside to fund consultants, you're talking about 2.0 the state? 21 MR. MERCANTATE: The state. 22 SENATOR BUONO: That was brought up in 23 the budget committee the last two times. All they 24 did was put money aside to hire consultants to delay 25 putting something into place it seemed.

MR. MERCANTANTE: Classic study it to 1 2 death. Exactly. 3 MS. GRIFA: If I could, Senator, is not 4 because I want you to think I'm a brown noser but 5 they -- I had my meet and greet with them and told me they were going to hire this consultant. And I said 6 7 no, you're not. We have fabulous universities in New 8 Jersey. We need help. We'll get you help from one of the great university think tanks that are 9 available and free. 10 11 MR. MERCANTANTE: They certainly have 12 good intentions. The concept is there but they're 13 not really in a position to put these agreements together. I don't know of very many shared service 14 15 agreements that were put together by consultants. Vast majority put together by administrators and 16 17 mayors in communities. 18 SENATOR BUONO: Who came up with the 19 idea that we needed consultants? The consultants 2.0 maybe. I don't know. 21 LIEUTENANT GOVERNOR GUADAGNO: We very 22 much appreciate it. Thank you very much for coming 23 to our town today. Any other questions anybody? 24 Sorry I didn't ask first. Tim Gordon I heard your 25 name in vein. Speaking of civil service, the title

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of the document that was just passed out to us is opt
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   out of civil service a well oiled machine.
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 3
                  MR. GORDON:
                               Timely presentation.
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               I'm Tim Gordon, the Township
   afternoon.
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   administrator of Millburn Township and chairman of
   the civil service issues for the New Jersey League of
6
7
   Municipalities. Today I'm here representing the
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   League of Municipalities and the Township of
   Millburn. Last November the Township of Millburn had
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   resolution supporting the ability for municipalities
   to opt out of civil service. Subsequently the
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   regulation was submitted to League of Municipalities
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   for adoption at the annual league conference and
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   unanimously passed by permitting the municipalities
15
   the opportunity to opt out of service.
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   Municipalities will realize a reduction in red tape
17
   and at the same time realize cost savings.
18
   there are those individuals who will argue that civil
19
   service reform could be history prove it wrong,
2.0
   quite, frankly, don't have the time for civil service
21
            The last big push for civil service reform
   reform.
22
   was 16 years ago under Governor Witman's
23
   administration. All her efforts and all those of
24
   civil service in 1994 and in 1999 nothing was
25
   accomplished for municipal government. The time for
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reformation of the civil service system has come and 1 Reform hindered by the combination public 2 sector union and civil service bureaucrats, interest 4 in reform. In response to inquiries about policies 5 on the potential rules and changes, civil service commission frequently defends in two basic arguments. 6 7 One, the change can only come through legislation or 8 it has always been that way. Example of such defense seen in a December 17th, 2008 letter to Commissioner 9 10 Cooper responding to requests for a change in the 45 day layoff period to 15. First, the commissioner 11 12 defended her policy by saying such changes are 13 outside her jurisdiction. And, excuse me, would require a legislation change to the rule. However, 14 15 the commissioner offered no assistance or opinion as 16 to whether the commission, which supports such a 17 legislation. Secondly, the commissioner argues that 18 the 45 day policy is a long standard policy from this 19 its understood that civil service commission values 2.0 and traditions and the status of would rather than 21 taking efficiency and effectiveness an old outdated 22 policy into consideration. A more recent inquired by 23 Louis Greenwald to the service is commissioner 24 regarding change. For example, the out of title work 25 policy he received on May 12th, 2009 responded by

saying that a more flexible out of title work would 1 2 weaken the heart of the civil service system and the 3 merit system. This philosophy ignores the 4 municipalities in favor of the civil service 5 commission's desire to remain unchanged. The service system costly system for today's municipalities that 6 7 operate within. And let me give few examples. 8 layoff process civil service submit electronic payroll listing each employee in the municipality to 9 the civil service commission for reconciliation. 10 The state and municipal records must be reconciled before 11 12 layoff proposal may be submitted, reconciliation may 13 require that employees not appearing in the civil service records, many times disagreements between the 14 15 municipality's records and civil service records be 16 repaired for that person and rehire them in a 17 professional -- as a professional employee. 18 have to take a test. The reconciliation framework 19 depends on the size of the municipality, the number 2.0 of employees to review, which can take weeks to 21 complete. The civil service commission 22 representatives when contacted were unable to give us 23 any accurate timetable for reconciliation process. 24 Once the reconciliation process is complete, the 25 municipalities submit a layoff proposal to civil

service, which has 30 days to review and approve the 1 The proposals must include reasons for 2 proposal. 3 layoffs, effective dates. A 45 day notice to 4 effected employees, total number of positions by 5 title, names of employees effected, current vacant positions in the layoff department that the 6 7 municipality is willing to fill a detailed 8 explanation of all the -- all the prelayoff's that have been considered and deemed not applicable. 9 10 summary of consultation, union representatives, and a list of their names. Once the township -- once 11 12 approved, the township must wait an additional 45 13 days before issuing the approval of layoffs which are subject to appeal. The process of laying off 14 15 municipal employees could take up to six months, which means that a municipality would have to layoff 16 17 only twice the number of employees they originally 18 required to in order to meet their budget needs. 19 Another problem with civil service is the furlough 2.0 timetable. Civil service municipalities temporary 21 furlough plan with departments effecting the names 22 and titles of the employees in the department and the 23 reason for the furlough, the civil service commission 24 will review and approve within 30 days. The first 25 furlough cannot take place until an additional 45

days from the approval. That's 75 days, which is not 1 2 included the time it takes the municipality to 3 perform all the requirements necessary to submit the 4 plan in the first place. Again, when the civil service commission representative was contacted, they were unclear as to whether or not the reconciliation 6 7 process similar that required for layoffs is 8 necessary for furlough. As previous speakers mentioned, when you get into shared services 9 10 consolidation and reprocess, civil service problem can occur when two or more civil service 11 12 municipalities consolidate, the new entity must be 13 civil service. But when a civil service municipality 14 and a non civil service municipality consolidate, the 15 voters are asked by ballot whether or not the new 16 entity will be joined civil service. The law should 17 treat all municipalities the same and have the voters 18 choose regardless if the town is civil service or not 19 whether to enter. Other information, shared service 2.0 creates problems with combining two or more 21 departments. Employees in departments -- the 22 employees in the department being dissolved are laid 23 off and must be rehired by the department providing 24 the service. With the rehiring of employees keeping 25 their seniority despite the differences that there

might be in neighboring towns with experience and 1 training. Furthermore, if one of the departments is 2 3 not enrolled in civil service, the civil service 4 status and their seniority becomes an issue if the provider of the civil service and non civil service employer became enrolled in civil service, it becomes 6 7 a problem with the seniority and service of 8 commissions. In case of joint meetings, which there are a few, it's unclear as to whether they will be 9 voted on to be in civil service or not. One of the 10 other more germane services that we can have is an 11 12 alternate route civil service municipalities 13 restricted from hiring police officers and fire fighters that have attended academies at their own 14 15 cost known as the alternate route program. 16 realizing savings by not having to pay for sending a 17 police candidate to a police academy. And we pay 18 their salaries at the academy civil service towns 19 cannot. The Township of Millburn spends \$19,000 in 2.0 salary and additional 1 to \$2000 for training 21 experiences per candidate while not having the 22 service of those individuals. While a neighboring 23 non civil service can hire a candidate whose paid 24 their own academy expenses and put them directly to 25 work upon hiring. Also, the civil service charges

municipalities for the appeals of employees. 1 number of years ago Millburn Township rejected a 2 3 police candidate from the civil service list because 4 he failed a psychological examination. 5 individual appealed his case to civil service and the individual was examined by a civil service selected 6 7 The psychologist confirmed the psychologist. 8 Township's psychologist's opinion that the candidate should not be hired. Subsequently the candidate 9 10 appealed again and a third psychologist agreed with the two prior psychologists that the candidate not be 11 12 The civil service commission billed the hired. 13 Township of Millburn for the cost of the state 14 psychologist. The Township objected arguing that the 15 candidate should pay for their cost because they The state came around and threatened the 16 appealed. 17 township with a \$10,000 fine if we did not pay for 18 the candidate's appeal. Candidates and employees pay 19 the cost of their appeals should they not be 2.0 successful, that burden should not fall to 21 municipalities. There are other problems with civil 22 Any employee could request a desk audit, 23 time and money for the municipalities recent desk 24 audit to be done for two co-workers, he had a -- let 25 me pick the most important part of the rest of this

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testimony. I see that red light over there.
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   Hutchison is going to have a heart attack.
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                  LIEUTENANT GOVERNOR GUADAGNO: We don't
 4
   want that to happen.
5
                  MR. BURZICHELLI: He's not civil
   service.
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7
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 That's a
8
   good line.
                  MR. GORDON: My last example would be a
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10
   promotional exam by condition. Civil service
   promotional results are issued by civil service
11
12
   stamped conditional. When you get an exam result
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   back, when a promotion's made from a civil service
   list, the civil service regard the appointment as
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15
   appointed conditionally pending the adjudication of
   appeal.
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           This could take -- appeal decided on favor
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   of applicant, the person proposed may be subject to
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   displacement of the successful candidate.
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   received for an exam that was taken in 2007 of which
2.0
   promotions were made in 2007, we were fortunate that
21
   the revised list which expires in only two months in
22
   May did not change by replacing a veteran on top or
23
   that somebody was moved down on the list.
                                               Had that
24
   taken place then, the Township for two years would
25
   have been demoted and the present individual who
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would have been selected would have been requesting
1
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   back pay, which we calculate at $18,200.
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                 LIEUTENANT GOVERNOR GUADAGNO:
 4
   Gordon, I don't want to cut you too short. Those are
5
   the ones we want to take back to our respective
6
   corners and anecdotes, use as an example.
                                               I want to
7
   make sure this gets appropriate treatment. I know
8
   you have one nightmare story after the other.
   thank you for coming in. We'll contact you again if
9
   we need more details.
10
                 MR. GORDON: Fine. We're asking for
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   the ability to have the --
13
                 LIEUTENANT GOVERNOR GUADAGNO:
   clear.
14
15
                 MR. GORDON: -- opt out.
                 LIEUTENANT GOVERNOR GUADAGNO:
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                                                 That's
17
   very clear.
                Thank you.
                             All right. Arthur Ondish up
18
   from the Borough of Mount Arlington our northwest
19
   corner of the state.
2.0
                 MAYOR ONDISH: I do of have to talk
21
   about this shared service. You would appreciate my
22
         We have really gone crazy.
                                       We were the first
23
   five town court in Morris County, even the state.
24
   We're pretty proud of that. We created the town
25
   court and we share our animal control health officer.
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Ιn

We just began sharing our construction office with a 1 2 neighboring town. Now talk about police, two years 3 ago I went through that and I have scars on my back 4 for that one because the civil service wouldn't look at towns that had civil service because we're not 5 civil service. 6 7 LIEUTENANT GOVERNOR GUADAGNO: Do we 8 have a copy of your testimony? I don't have it in my 9 packet. 10 MAYOR ONDISH: That's okay. All right. I do have it prepared so I'll read from the prepared. 11 12 Members of the Red Tape Review Committee, thank you 13 for giving me an opportunity to address you on 14 unfunded mandates. I currently serve as Mayor of 15 Mount Arlington Borough and Chairman of the Lake 16 Hopatcong Commission. I am on the Executive board of 17 the State League of Municipalities and am also 18 President of the Morris County League of 19 Municipalities. I also serve on the Board of

Directors of the New Jersey Conference of Mayors.

Development, Mid-Atlantic Region for CHA, Inc. With

this said, I think you can tell I try and keep myself

addition, I am Assistant Director of Business

2.0

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23

- 1 Christie for establishing the Red Tape Review 2 Committee and recognizing the need for a
- 3 comprehensive review of state rules and regulations.
- 4 In Morris County there was a great effort between the
- 5 | Morris County League of Municipalities and the Morris
- 6 | County Chamber of Commerce to help compile
- 7 | information included in this Red Tape report. There
- 8 are numerous rules whose cost outweigh the intended
- 9 benefits. Today, I would like to address you on a
- 10 smorgasbord of rules that directly impact
- 11 municipalities. I picked five. First one lengthy.
- 12 | I don't know if we understand the complication of
- 13 strong discussion. First, I would like to discuss
- 14 | the New jersey Department of Environmental Protection
- 15 | Stormwater Management Rules, N.J.A.C. 7-8.1.
- 16 | According to the department, the municipal stormwater
- 17 | regulation program is designed to address the impacts
- 18 of stormwater borne pollution on our State's
- 19 | waterways. According to the rules stormwater
- 20 | management measures is defined as any structural or
- 21 | non structural strategy, practice, technology,
- 22 process program, or other method intended to control
- 23 or reduce stormwater runoff and associated pollutants
- 24 or to induce or control the infiltration or
- 25 groundwater recharge of stormwater or to eliminate

illicit or illegal non-stormwater discharges into 1 2 stormwater conveyances. That's just the beginning of 3 I'm not against the stormwater management rules. 4 In fact, these rules are long overdue and should have 5 been put into place many years ago. However, I do have an issue with the fact that this is an unfunded 6 7 mandate that cost local property taxpayers a fortune 8 to implement a state policy using local funds. rules require each permittee, aka, municipality to 9 10 submit an Annual Report and Certification indicating the status of the implementation of each Statewide 11 12 basic requirement as well as additional supporting 13 In addition, once a municipality adopts a stormwater management plan, that plan must be 14 15 re-examined during the master plan re-examination 16 process. On average it costs a municipality 17 approximately \$30,000 to develop their plan. 18 re-examination cost is unknown at this time as no 19 municipality has gone through that process yet. 2.0 the development of the plan was the first step. Next 21 the implementation. As part of the rules, the 22 municipalities must label all of their stormwater 23 drains at a cost of \$2500 to \$6000 depending on the number of basins. Mail an educational piece to every 24 25 resident twice a year. It cost Mount Arlington \$4500

to do a mailing. Reclaim the water from washing 1 2 vehicles. This is done either through installing a 3 reclaiming system at cost of \$100,000 to \$150,000 and 4 recycling the water can cost about \$20,000 to 5 \$125,000 depending on the size of the system and number of vehicles washed down. Or a municipality 6 7 can use a car washing facility. However, keep in 8 mind when is the last time you saw a dump truck going through the car wash. Doesn't usually happen. 9 10 Municipalities must sweep the streets once a week. A new sweeper cost \$150,000 to \$225,000 to replace and 11 12 maintain the sweeper brooms cost approximately \$1500 13 to as high as \$10,000 and the manpower approximately 14 \$8000 depending on the road miles within the 15 municipality. In addition, it cost the municipality 16 on average approximately \$1000 to \$20,000 to dispose 17 of the sweepings depending upon their tonnage. 18 let me put a caveat on there will we have gone 19 through 42 employees to 29 employees in an effort to 2.0 reduce our operating expenses. The man hour to do 21 the sweeping is an animal of its own. Tier A 22 municipalities are required to clean their catch 23 basin periodically and keep reports of their 24 cleaning. Again too depending upon their manpower 25 and tonnage it can cost a municipality on average

approximately \$5000 to \$50,000 to meet this 1 2 requirement. In Mount Arlington I am extremely 3 sensitive to the value of stormwater management due 4 to Mount Arlington being nestled on the shores of the Lake Hapatcong, which is the largest natural lake in New Jersey. As chairman of the commission I work 6 7 with the other municipalities in the watershed who 8 have the same viewpoint of the value of the regulations but are concerned about the prohibitive 9 10 unfunded mandated cost. That's on storm water. Second thing now I would like to discuss is the newly 11 12 enacted Citizen Service Act, P.L. 2009 c. 141. 13 Citizen Service Act, among other things, requires 14 Municipal Clerks to create and maintain a directory 15 of municipal boards, their membership and vacancies 16 and create a form to permit citizens to apply for 17 service on municipal boards. Most municipalities 18 already keep a version of a directory. The more 19 onerous aspect of the law is the Citizen Leadership 2.0 The law now requires any person interested in form. 21 serving on a board to file a one page Citizen 22 Leadership Form with the municipal clerk. 23 requires the resident to list any education, prior 24 volunteer experience, work related experience or 25 other civic involvement which could be of use to the

boards you wish to serve. It is difficult enough to 1 2 get volunteers to serve on the boards now requiring 3 additional information may discourage some residents 4 from volunteering. It is another layer of 5 bureaucracy one must hurdle to volunteer their time and skills to the community. On top of the detriment 6 7 to the perspective volunteer this creates a burden on 8 the municipal clerk who must maintain all of this documentation. Then to top it off, this information 9 10 becomes OPRA discoverable. I personally do not think 11 it is appropriate for anyone to disclose personal 12 information in this newly created form and then have 13 that document available for anyone who wishes to file an OPRA form to retrieve it. Some things need to be 14 15 kept simple and uncomplicated. If someone wishes to 16 give back to their community based on a personal 17 desire to serve they should be able to do this 18 without a concern of their personal information being 19 displayed publicly. With current technology, most 2.0 likely wind up on the internet. This is very 21 discouraging and very unnecessary. The third item 22 I'd like to address is the mandatory certification 23 and recertification for local registrars and deputy 24 registrars. Registrars are responsible for 25 processing and certifying birth, marriage, civil

unions, domestic partnership and deaths. While this 1 is an important function, I do not understand the 2 3 need to require both the registrar and deputy 4 registrar to be certified. No other municipal position requires that the deputy be certified. some communities you will have assistant finance 6 7 officers, deputy municipal clerks, assistant tax 8 collectors, etc. but none of these positions require certification. That's additional unfunded mandate. 9 The fourth item I would like to address is the move 10 to require specialized training for local elected and 11 12 volunteer appointed officials. There is a cost 13 associated with any kind of training. There is a 14 cost to attend the training even if the state 15 provides the classes. Most local elected officials, 16 and virtually all of our appointed volunteers, have 17 jobs and do not have the luxury of taking free time 18 off to attend such classes. For example, among 19 others would mandate that local officials attend 2.0 ethics training. There is no doubt that we have had 21 and continue to have an ethics problem here in our 22 Garden State. And you know darn well. 23 doubt that ethics training is the answer. In my 24 personal opinion if someone has not learned the value 25 of ethical conduct by the time they engage in public

service, no one and no curriculum is going to teach 1 2 them. Don't get me wrong ethics in government, 3 faithful service in the public's trust in the 4 public's exclusive interest is or at least should be 5 the highest priority of all who stand for election or accept appointment to office. I place the highest 6 7 value on ethics in government. But I question the 8 value of ethics training. LIEUTENANT GOVERNOR GUADAGNO: 9 Do you 10 know this is a regulation working the way through its Lots of heads, it's on it's way. 11 system. 12 MAYOR ONDISH: Okay. So please I don't 13 know anything against ethics training. That's not the point. The fifth and final item that I would 14 15 like to address is the OPRA process. I am all for 16 open records and transparency in government. 17 However, there are those who take advantage of this 18 system for their own personal, what seem like 19 recreational purposes. In my borough I have a group 2.0 that has decided to be a watchdog over the municipal 21 government. I have no problem with anyone watching 22 over a governing body. I encourage citizens to be 23 involved and cognizant of what goes on in their 24 municipalities. The problem comes when overzealous 25 people choose to harass the municipality by

submitting OPRA request after OPRA request with no 1 intention other than a paranoid attitude that there 2 3 is corruption and they are going to find it. 4 OPRA process takes time and costs money. In the past 5 two years my borough has had to spend in excess of 30k in OPRA expenses including defending a lawsuit in 6 7 which the borough was upheld but there was still a cost to defend this frivolous suit. 8 I believe the costs for OPRA need to be directly borne by those who 9 10 make the requests. And in my interactions with elected officials I'm involved in -- involved in, 11 12 it's not unique to Mount Arlington. The things on 13 the website doesn't cost much. We're doing that. 14 have a group that is persistent. It's ridiculous and 15 costing us a fortune. Eliminate that expense or put 16 that expense on the people that are making the 17 And, finally, I believe we need to get back 18 to a pay as you go government in New Jersey. 19 borrowing and spending that has gone on in the past 2.0 has put us in the hole we are currently in. 21 state has raided dedicated funded accounts to cover 22 new programs since it did not have funding budgeted 23 to pay for these programs, I believe and would argue 24 that if the state passes any mandates down to the 25 local municipalities, then there should be funding

including covering the costs of the mandate. Maybe the state would think a little longer and harder on what is being mandated if it had to fund it through thoughtful budgeting. Thank you for your time.

5 LIEUTENANT GOVERNOR GUADAGNO: Thank 6 you.

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MR. MARTIN: Thank you for your comments on stormwater management. Trying to understand, do you have specific recommendation that we potentially could use in that area to achieve the goals of stormwater management but minimizing the cost? Do you have any thoughts on that?

MAYOR ONDISH: I could get back to you on that. I have thoughts. I would have to arrange my thoughts. I'm not arranging them now. There are things that we can do. As a matter of fact, working as chairman I want to work like that. We share with the communities around the lake and we do share lots of ideas aggregation might help. It bothers me even the federal storm water regulation, also no money came with them, all kinds of grant money for all kinds of money put that in for offset for the cost of these mandates. And I'm sure people are willing to share and do whatever they can to keep the costs as low as possible. There is a cost associated with it.

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And, again, I agree with it and I think 20, 30, 40
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   years ago these rules and regulations should be in
   place. It does help. We provided it in lake
 4
   cleanouts, the storm drains, and we put sewers in.
5
   We paid a lot of money to get them in to help keep
   the phosphorous out of the lake. And sweeping the
6
7
   streets help. It's all good stuff.
                                         It's a heavy
8
   cost associated with it.
                 LIEUTENANT GOVERNOR GUADAGNO: Anybody
9
10
   else?
                              I will quickly -- I have
11
                 MS. GRIFA:
12
   the government records council as part of my
13
   department. I was curious, quickly elaborate cost
14
   for OPRA directed more by those that make a request
15
   there's a provision for the request to bare the cost
16
   of the work product but, perhaps, not the underlying
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   work could you --
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                 MAYOR ONDISH:
                                 This is the problem.
19
   This is the problem, the cost. I mean the costs are
2.0
   ridiculous. The cost that I saw, it was --
21
   absolutely doesn't come close to covering the cost we
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          This group is so hammering us. Goes through
23
   our attorney that we are disclosing the proper
24
   information, things that have to be redacted, wrong
25
   information, so many other people, cost of attorney
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review, the cost of clerk doing the work and getting 1 the documents together, and all the other things that 2 3 go into it. There's a huge cost associated with it 4 and the costs aren't borne by the person making the 5 request. Even if the numbers are small, they're They're paying for the 6 paying for the photocopy. 7 The main cost is the time and energy put in 8 by our staff to provide that information. And then 9 we get in the paper as not wanting to put in OPRA 10 information. We don't provide the documents. papers call and asks for spread sheets and 11 12 information. 13 MS. GRIFA: OPRA information is an 14 existing document entered. Correct? 15 MAYOR ONDISH: Not to create extra work 16 and documents over and over and over. 17 MS. GRIFA: We have also had something 18 similar to that in the issue of the actual cost of 19 the paper and the printing, but not the cost of 2.0 putting it together. I think a big misunderstanding 21 people think you have to put in the analysis and the 22 commercial aspect has been huge. 23 MAYOR ONDISH: Yes, as Mayor Levine 24 said they want you to do research. And that's not 25 what it's all about. They need to raise the cost a

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little bit. I'm not discouraging getting a website,
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   it works. I have people that are impatient and can't
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   wait for a website. We're working on it. Put the
 4
   information on it. It's great.
                                     It's there.
                                                  It's
   the best thing you can provide.
5
                                     But it's not --
6
                 MR. RUMANA:
                               There's a cost that goes
7
   along with that, too?
8
                 MAYOR ONDISH: For the website, very
9
   minimal because you're scanning documents. You're
10
   scanning documents and putting them on the website.
11
                 MR. RUMANA:
                               Okay.
12
                 LIEUTENANT GOVERNOR GUADAGNO:
13
                 MAYOR ONDISH: That would be nice to
   have money to go towards that, if you're offering.
14
15
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 I tried
16
   to change the subject real quick.
                                       I knew it was
17
   coming. Knew that was going to hurt.
                                           Thank you very
18
   much.
19
                 Margaret Jahn from the New Jersey
   Health Officers Association.
2.0
21
                             It's a pleasure to be here.
                 MS. JAHN:
22
   Thank you.
               Good afternoon. My name is Margaret
23
         I am president of the New Jersey Health
24
   Officers Association, a nonprofit organization of
25
   public and allied health professionals, whose members
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have been protecting New Jersey's public and 1 environmental health since 1911. 2 Thank you for the 3 opportunity to present to the Commission some of our 4 concerns regarding recently introduced and proposed 5 regulations. As you may or may not be aware, public health departments, whether county or local municipal 6 7 units, are largely funded by local tax dollars. 8 Thus, when an unfunded state mandate is imposed on public health departments, the local tax payer is the 9 10 one that's left to close the financial gap. Oftentimes, we in public health, battle the need to 11 12 balance public health improvement initiatives with 13 the cost to provide improved services. For years we 14 have continually taken on new programs with little to 15 no funding because as professionals we recognize the imparted value of improved services and better health 16 17 outcomes to our residents. However, as New Jersey's 18 financial climate has become critical, public health departments can no longer absorb additional mandates 19 2.0 without compensation. In general the value of local 21 public health services is not well understood and as 22 a result, we are traditionally one of the first 23 departments to receive budget cuts and resource 24 restrictions. For years which we have been woefully 25 underfunded and understaffed and our financial future

as it is for most of the government sector, is quite 1 2 dim. Thus, while New Jersey seeks to work through financial challenges by trimming budgets and cutting 4 back on staff, we must be mindful of legislative 5 activities that may further drain already limited This afternoon I'd like to illustrate 6 resources. 7 some of the recent legislation, both the pending and 8 the recently imposed that substantially impacts existing public health resources. First, I'd like to 9 10 discuss the proposed State Sanitary Code, Chapter 13, which is the childhood lead poisoning. My colleagues 11 12 and I want to commend the state Department of Health 13 for taking the initiative to further improve the well-being of children found to have high levels of 14 15 lead in their blood, as we are not opposed to improving the outcomes of lead burdened children in 16 17 New Jersey. For those of you who are unfamiliar with 18 the proposed changes, DHSS proposes to lower the 19 blood lead action level that requires public health 2.0 nursing and environmental intervention. The economic 21 impact on local health departments in responding to 22 the lower lead levels will likely increase the 23 financial burden by two-fold. Though, DHSS advises 24 that limited funding is available to offset costs, we 25 see no additional monies being provided to local

boards of health to assist with new requirements. 1 They're exists resources available for funding to 2 3 offset the cost, there really are no additional 4 monies handed down to local health departments. ΤО 5 be more specific, in 2007 and unrelated to the new standard, the number of elevated blood lead level 6 7 reports referred to LHDs increased statewide by 47%. 8 This increase in reports requiring health intervention, which has been sustained through 2009, 9 10 went unfunded and was absorbed by local health departments. Currently the department is proposing 11 12 to lower the action standard, which will likely 13 increase the number of cases requiring intervention by another 50%; local health departments will be 14 15 handling 100% more cases than we did in 2006, and most likely with fewer staff members due to attrition 16 17 losses. Translated into man hours for every new case 18 requiring investigation, there is a minimum of four 19 hours additional labor required, and in most cases as 2.0 many as twenty hours or more when we consider case 21 management, environmental investigation, legal action 22 for non-compliance, paperwork and data entry. 23 stated, the local health departments cannot continue 24 to absorb increased costs without additional funding. 25 The meager monies made available by current sources

is inadequate, does not assist all municipalities 1 that are burdened by lead and is unavailable to the 2 myriad of undocumented residents that LHDs assist. In 4 addition to lowering the action level, the 5 department's lead amendments require that local boards of health abate lead violations in residences 6 7 where landlords are non-compliant. Clearly, local 8 municipalities do not have the available funds to front the monies and manage lead abatement. 9 10 even if the law provides that monies are recoverable, the amount of time and legal costs needed to recoup 11 12 damage far exceeds the actual cost of relocation. 13 It's a great idea in reality. It's a tremendous burden. Another example of unfunded mandate that 14 15 provides additional burden to local health 16 departments is the recently promulgated tanning 17 facility regulation. These rules require all local 18 health departments to annually inspect and respond to 19 complaints of tanning facilities within their 2.0 jurisdiction. Not a bad rule. Moreover, the 21 regulations require that each tanning establishment 22 obtain a state license monies which are payable to 23 the state only and further pre-empts local 24 municipalities from charging any additional fees to 25 cover program costs. Here, DHSS collects the fee and

local health departments do the work. Again, we 1 cannot continue to absorb the costs of new 2 3 regulations without just compensation. Lastly, I 4 wish to call attention to regulations recently promulgated by the New Jersey Department of Environmental Protection, which has been brought up 6 7 frequently by a few people's testimony prior to mine. 8 Storm water management regulations place a tremendous burden to all municipalities across multiple 9 10 departments. With regards to public health impact, the regulations call for a mandatory septic 11 12 maintenance program that ensures all individual 13 subsurface disposal systems are functioning properly. 14 For those municipalities in the northwest regions of 15 the state and the southern regions of the state, 16 health departments must track and enforce the 17 maintenance of residential and commercial septic 18 systems. Whereas, we currently handle septic 19 construction and environmental complaints, we do not 2.0 have the capacity to take on registration, inspection 21 and enforcement processes relevant to a management 22 program without due compensation. In conclusion, I 23 would like to comment that while each proposed 24 regulation or new mandate that I have discussed may 25 be justifiable on an individual basis, the totality

```
of them all is large, time consuming, onerous and of
1
2
   great expense to local health departments.
                                                In an era
3
   when municipalities are facing severe budget cuts and
 4
   layoffs, we cannot afford to staff and fund
   additional state mandated regulations. Someone needs
   to look at the big picture.
6
                                 If New Jersey
7
   legislators want to control local tax dollars, then
8
   we need to be mindful of that purpose, and stop
   increasing legislative obligation without due
9
10
   financial support. I thank you again for your time
11
   and the opportunity to discuss legislative issues
12
   that are of concern to local public health.
13
   happy to answer any questions that you might have.
                 LIEUTENANT GOVERNOR GUADAGNO:
14
                                                 Thank
15
   you very much.
16
                  SENATOR BUONO: If you have a citation
17
   to the storm water guideline you're talking about, I
18
   might want to see that. The lead I see the site for
19
   the lead. Just so we can focus on the rules so the
2.0
   staff doesn't have to go nuts.
21
                             We'll give exact details and
                 MS. JAHN:
   citations.
22
23
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 Anybody
24
   else? Thank you very much. That was very clear and
25
   concise. I very much appreciate it. Thank, you.
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1 MS. JAHN: Thank you.

2 LIEUTENANT GOVERNOR GUADAGNO:

3 Frederick Carr, New Jersey League of Municipalities 4 from Bloomfield.

5 MR. CARR: I'd like to thank everybody for the opportunity to come here. I did kind of, I 6 7 believe, live in Freehold, so I'm halfway there. my name is Frederick Carr. I'm the administrator in 8 Bloomfield here on behalf of Bloomfield and Essex 9 10 County. I would like to call it a municipalities of 48 moving parts. I'm here for the League of 11 12 Municipalities and prior to choosing the profession 13 of municipal management, I worked for another 14 government agency. I came from a service, I can tell 15 everything that my father was in the service after 16 high school the family business and now in the 17 municipal business, and you can't make it up. 18 cannot make up what we're talking about today. 19 colleague, Tim Gordon, Lori Grifa, the rest of us, 2.0 you know we sort of shared the grieving process as we 21 try to explain today I want to talk about caps. 22 simple, make up your mind. The caps in Bloomfield, 23 we started the budget process before I was appointed 24 in the fall. I'm already starting the budget process

for 2011. I have yet to introduce for 2010.

25

finance officer and I are practically joined at the 1 hip. I see him more than my wife. She has issues 2 3 with that. Our appropriation cap is 2.5%, if you 4 consider that our budget is sixty-two million dollars 5 last year in Bloomfield our appropriation cap is 1.5 million dollars, our levy cap is about 2.4 million 6 7 dollars, we have no control of our utilities. 8 file, our pension cost -- remember the number I talked about the 2.4 million dollars appropriation 9 10 cap on your pension bill this year is 2.6 million dollars. I hadn't done a thing. I walked in the 11 12 door and I was 23,000 in the red and all I did was 13 get the health cost. We went out to the marketplace 14 and are pleased that our health cost only went up 95, 15 935,000 from eight million dollars to almost nine 16 million dollars. Again, to that, you know, in a 17 civil service community, I would like to say that 18 it's part of that 48,000 not to belabor Kim Gordon's 19 point, there's 32 people in the entire time that are 2.0 not in collective bargaining unit agreements. 21 one of them. Not asking for them, can I go from \$25 22 to \$10 on your co-pay, three extra personnel days, 23 and we want to change your schedule deferring those 24 costs which are horrendous, at the risk of having my 25 book card pulled from the Freehold Public Library,

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appropriation's a third of the million on every
1
   dollar, 1.7 million dollars for Bloomfield
2
3
   appropriation, which is not exempt from the tax levy
 4
   cap. Municipal salaries, I've been to two
5
   negotiation sessions right now with my police
   officers, and they're waiting for the third so they
6
7
   can throw their arms up and say impasse, arbitration.
8
   Okay. So that's the game they're playing. We know
   the game. It's crippling. So not that the
9
10
   arbitrator is going to provide a percentage award and
   not look at the impact of our budget, which you see
11
12
   in our increase not to belabor the point, of a
13
   million dollars over last year, there's no
14
   determination by the arbitrator of those other costs
15
   associated with the salary.
16
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 You got
17
   the 7.7% in arbitration?
18
                  MR. CARR: No, I'm saying right now we
19
   have to proceed to arbitration.
2.0
                  LIEUTENANT GOVERNOR GUADAGNO:
21
   what happens.
22
                  MR. CARR:
                             When you go, if you go, if
23
   you're just talking about a normal contractual
   increase, we disagree, I think it ought to be zero.
24
```

They think 6, the arbitrator is 3, thank you. Here's

25

my bill. But doesn't include Fica, SSI, the pension 1 costs associated with that. It's not just a 2 3 percentage increase. It is a snow balling effect 4 from outside. Those are the steps. The steps it 5 goes on and on for that when I made mention previously that, you know, we haven't even introduced 6 7 I'm already thinking ahead on next year's 8 budget. Furlough good idea. I digested the town's budget \$500,000 this year. What do I want to do next 9 10 year when I want to return the salaries? My budget is \$500,000 lower. Let's go back to that cap, 11 12 appropriation cap, that I already destroyed at the 13 beginning of the year. So I closed it with sort of 14 an example. I like to bring my dad into these 15 He's a smart guy, gray haired guy from 16 California. My dad would give us 20 bucks for 17 allowance and say don't blow your allowance. 18 ever spend your loans. And before he got already 19 backed out of it. Use of the car, you're on the 2.0 phone last week, take some money out for your 21 college, you already owe him money on the allowance 22 that you never even saw. And that's the way I look 23 at it. I'm back in high school with my dad saying, 24 what did you do with the five bucks I gave you last 25 week? Because I have to go deal with this every day.

```
And I know you get to listen to us here and I do
1
2
   appreciate the opportunity. We don't have a council
3
   meeting and somebody doesn't come up to the
 4
   microphone and complain about their taxes and
5
   complain about that so I understood as a municipal
6
   employee and a manager, how the system works.
7
   Doesn't mean I like it more than anybody else.
8
   that the Governor and everybody else just make up
   their minds.
9
                  LIEUTENANT GOVERNOR GUADAGNO:
10
                                                  Hard
11
   caps.
12
                  MR. CARR:
                             If it's a hard cap, make it
13
   a hard cap and leave it at that. But you can't have
14
   it both ways.
15
                  LIEUTENANT GOVERNOR GUADAGNO:
16
   level too.
17
                  MR. CARR:
                             Right.
18
                  SENATOR BUONO: I have a question on
19
   arbitration.
                  I've been looking into, it was in the
2.0
   legislature in the mid '90's, binding arbitration
21
   looks at the law should have done something it
22
   hasn't. The choice of the arbitrators is not
23
   relevant at all.
24
                  MR. CARR: Not the choice of the
25
   arbitrator.
```

```
SENATOR BUONO:
                                  It's what goes into it.
1
2
                             I don't consider the
                  MR. CARR:
3
   arbitration a fair process.
 4
                  SENATOR BUONO: Less and less people go
5
   to it.
                             Binding arbitration, we sit
6
                  MR. CARR:
7
   and do the math and at the end of the day do I take
8
   the unions to arbitration. Once I pull out my pencil
   and say it's going to cost my labor attorneys so many
9
10
   hours back and forth, and back and forth, by the time
   you do the math you almost say, cave.
                                            They bring in
11
12
   -- it's the discussion you have with your children.
13
   You know everybody down the block has a red bicycle.
   This guy's got a red bike. This guy doesn't.
14
15
   fact that his dad works and can afford the red bike,
16
   we can't. You want to live next door, let him buy
17
   you a red bike.
                     Didn't work for my kids either.
18
                  LIEUTENANT GOVERNOR GUADAGNO:
19
   you very much.
2.0
                  Mayor Arnone from the council of Mayors
21
   and also Neptune City.
                                 I want to thank the
22
                  MAYOR ARNONE:
23
           Again, my name is Thomas Arnone.
                                               I also
24
   serve as the Mayor of Neptune City.
                                          I'm here
25
   representing the New Jersey Conference of Mayors.
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lot of different issues that might not directly 1 effect Neptune City, but it's that broad span of a 2 3 lot of issues that effect all the mayors in the State 4 of New Jersey. The New Jersey Conference of Mayors 5 is encouraged that a full review is underway with a possibility of real reform to come. 6 If the state 7 intends to implement municipal aid cuts into the million dollars of dollars and not address the 8 guiding forces that effect local governments the 9 10 reality of dire cuts to critical service, no one 11 wants to see this take place. With the time allotted 12 I wish to outline areas, a lot of them have said I 13 want them on the record on behalf of conference of First the 4% tax levy. The New Jersey 14 mayors. 15 Conference of Mayors has highlighted four areas we 16 would like to see addressed by the governor regarding 17 the cap budget needed to adjust that according to the 18 particular times, issues on caps are as follows. 19 Debt service. When there's a decrease to substantial 2.0 debt payment in the previous year, nowhere downward 21 movement in the 4% levy cap. the current system 22 penalizes towns for paying off debt. Capital 23 improvements, same as above. The likely increase are 24 according to statute as much as 15%. Anything over 25 4% should go outside cap or just get rid of automatic

increases to libraries. Revenue -- when revenue 1 2 declines, which can be certified by an audit toward 3 communities cap benefit other choices to reduce 4 critical service, which no one wants to see. Also 5 regarding the cap, New Jersey Conference of Mayors believes the state should put the pension payments 6 7 outside of the cap as well as the insurance premium 8 cost. Towns don't have any control over these 9 numbers, unfunded mandates. Again, I'm not going to 10 go on all these issues because a lot of them were 11 addressed. On the open practice we understand and I 12 saw some discussion with that. 13 LIEUTENANT GOVERNOR GUADAGNO: We'll include these too, Mayor. 14 15 MAYOR ARNONE: Excuse me? LIEUTENANT GOVERNOR GUADAGNO: 16 We'll 17 include your comments also. 18 MAYOR ARNONE: Thank you. Additional 19 unfunded mandates workloads and regulation on local 2.0 staff and cost on local budgets, when a property 21 owner is granted a reduction or senior citizen 22 reduction, the state reimburses the municipalities 23 and usually received in November of each year a 24 property owner granted the total disability Veteran's 25 status, the municipality does not receive -- we're

responsible for making the county and school payment 1 based on the tax that we collect, stormwater 2 3 management, again, I know you guys have a long 4 evening here, I don't want to keep repeating myself. 5 If you could put this on the record because most of this is pretty much what was already said. 6 Truck and 7 equipment washing facilities mandated by New Jersey 8 DEP, totally understand it has to be but it's unfunded and to bill facilities and actually use 9 10 that, in my town even though we're fortunate in the great Monmouth County to have our Freeholders, which 11 12 we have a facility that we can go to, there still is 13 a cost to it. The running off chemicals that happens 14 will by washing equipment, that burden that is put 15 down on municipalities. State land use and 16 environmental regulations such as state planning 17 commissions, plan endorsement as a time and cost 18 incentive process. The New Jersey Conference of 19 Mayors, we go on the record and we -- and I've 2.0 testified with Mayor Coleen Marr from Fanwood 21 Township on Senator Lezniak's abatement 1 bill and we 22 do agree with there does need to be some change. 23 And, obviously, with the RCA and the fair housing 24 rules and the second round numbers, some issues have 25 to be addressed with those. And I think that's

pretty much what most people agree with that. 1 the New Jersey Conference of Mayors believes develop 2 3 on the details, we are at the table also with the 4 sponsors of the S1W Assembly Green's committee, and 5 Senator Carro's committee, making other recommendations. Public employee retirement systems 6 7 appropriation municipal construction to employees, 8 pensions causes great financial burdens on communities. And we are monitoring current 9 10 legislature addressing the area. Obviously, insurance cost for municipal workers continue to 11 12 increase despite every effort available on a local 13 level to curtail those costs, they continue to jump. Some instances town will even enter into the JIff 14 15 programs. Some cases it's less expensive. 16 adhere through that. I can go through that. The 17 state health benefits program the binding agreements 18 from police contracts make it difficult. I will add 19 to that difficult part to almost impossible for the 2.0 governments to manage health care cost and have it 21 impose spending constraints on local budgets. 22 There's a prevailing wage problem with -- we want to 23 try to make improvements in your town that you have 24 to continue on these prevailing wages which is 25 unaffordable for towns to move forward with increased

projects. Probably the biggest issue it was stating 1 binding interest arbitrations. 2 If you can put this 3 on the record most of this was already stated and I 4 don't want to repeat myself again. Most of the 5 people have heard this two or three times. These are major issues binding arbitration has to be addressed. 6 7 I know that it's not going to be abolished but we 8 have to look at it. We hope it is but I don't think 9 it's going to be. But as a mayor of a small town and 10 I can only speak right now. I'm in negotiations with 11 the police department, our hands are tied. 12 Lieutenant Governor Guadagno has been to my town many 13 times and it's difficult for us to get revenue. 14 when we go in there and we see cuts through municipal 15 aids, we -- which we understand and I think everyone in the State of New Jersey understands move forward 16 17 and take it in. It has to start with the stop and 18 these issues have to be addressed. In closing on 19 behalf of the New Jersey Conference of Mayors I would 2.0 like to thank the committee for allowing us to bring 21 our concerns to you. Positive relationship between 22 the administration and our organization. And, again, 23 if there's any further information, we do have an 24 office right across the street in the state house and 25 executive there the whole time to address issues.

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LIEUTENANT GOVERNOR GUADAGNO:
1
2
   questions for the mayor?
3
                  MR. RUMANA: Excellent job.
 4
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
   you very much. We have scheduled a ten minute break.
5
                  (Whereupon a recess is being held)
6
7
                  LIEUTENANT GOVERNOR GUADAGNO:
8
   going to get started. Thank you for that. We will
   hear from the Sierra Club. We are running behind.
9
10
   That is completely my fault. But we're going to try
   to shorten these up to five minutes and keep
11
12
   questions, understanding that this is an open forum.
13
   There's no restriction in talking to us or sending
   things to us at a later date. I don't want to
14
15
   foreclose things anything.
16
                  MR. TITTEL: I got to get out of here.
17
   It's the 20th anniversary of the first date with my
18
   wife. I got to get out of here anyway.
                                             Just -- I
19
   just want to start out and thank you for allowing me
2.0
   to testify. I'm putting in more detailed comments
21
   because there's a lot of different issues and area
22
   that you've been touching on.
                                   I want to start on
23
   biggest unfunded mandate that effects New Jersey
24
   taxpayers and pollution on impact on state and
25
   municipalities that when we fail to do our job,
```

whether it's at local or state level, it has a direct 1 2 Think about stormwater. It's come up. 3 lot -- one of the biggest issues dealing with storm 4 water we haven't been managing it properly in the 5 We see it rains down the shore, beach closing 6 in our base the impact it has on the lakes and the 7 impact it has on water supply in costing higher 8 levels of treatment for our water purveyors. 9 are direct impacts. New Jersey has probably some of 10 the greatest natural resources in the state of the 11 nation and most environmental problems. We have a 12 natural resource base in New Jersey according to 13 economist from Johns Hopkins 600 million dollars and 14 so that resources is important to all of us. 15 as you go through red tape and deal with mandates, 16 you have to deal with what will be the consequences 17 if we do not fix this problem. How many days of lost 18 time for school kids because of asthma. If we don't 19 deal with things like diesel pollution. How many 2.0 times will beaches close and tourist dollar not go 21 into the state. Direct consequences to it. And so 22 we really need to -- as we figure out how we go 23 forward in trying to make the state more efficient, 24 more transparent and grow our economy, we also have 25 to remember environment is a major part of that.

looking at mandates need to separate them and look 1 2 where do they come from. Not just take broad 3 characterization. It requires the State of New 4 Jersey to not allow certain times of year tree 5 cutting when you're doing development because the importance of the bats declined. And if people have 6 7 been following it, 70% of the bats in northeast died. 8 And if we lose our bats, lose the farmland, and not be able to sit out at night. Direct consequences. 9 Septic maintenance it's very important issues. 10 on septic a third of the wells that are contaminated 11 12 We've closed -- I come from septics that are bad. 13 remember when I was on the environmental commission in Ringwood. We had to close because of a leaky 14 15 septic, direct consequences where people can't swim. 16 Look at mandates. Things like filtering arsenic out 17 of drinking water. That can be a mandate because 18 it's additional cost to make sure we're having a safe 19 legal when dealing with drinking water and additional 2.0 to cost for that. Who pays for that? It's going to 21 be the rate payers or municipal utilities. Going to 22 cost -- we mandate the end ocean dumping. 23 allowed in other states. We did it because we didn't 24 want our beaches to close. There are direct impacts 25 that you have to look at. So one of the things that

you go through the mandate issue that you should 1 really look at is which ones come from the federal 2 3 government that the state has to implement. We get 4 money from the feds to do many of the programs and federal grants especially in the -- our area storm water is a federal mandate. 6 How we implement it, to 7 what level becomes more of a state issue and what we 8 really should be looking at as we look at mandates is 9 how can we get these things implemented. What's the 10 best way to help the towns and implement and provide 11 funding water quality, planning moneys we got from 12 the federal money from the stimulus money to help the 13 counties. Monies are available. Some of it is the legislature's fault. We get diverted 319 moneys from 14 15 the feds for water stuff and for a couple of years it 16 got diverted because the state senate diverted money 17 for pet projects. Many times the legislature itself 18 mandates new programs. DEP not give them the 19 resources to implement that problem and DEP takes it 2.0 out on the towns. So you have to remember when you 21 don't -- when money gets diverted or you don't fill 22 vacant spaces in DEP, that means permits don't get 23 written because the permit writer isn't there. 24 permit writer in DEP has 40 permits, given time they 25 get rid of one, get another one. Part of that we

allowed a lot of spaces to not be filled and so those 1 2 are the things we really need to look at and look at 3 the consequences of doing that. And I just want to 4 end with a couple of points. One, we need to in the 5 department of environmental protection have a holistic overview. When we look at the environment 6 7 and permitting and a lot of states have moved to a 8 mini-peep map system, do your environmental review up-front and other permits all from it, two real 9 10 benefits. One is you're going to be telling the 11 people coming in with their applications whether, you 12 know, you can go in and get twelve permits and the 13 thirteenth one you can't get for some reason and you 14 should know that up-front, allows you to better 15 re-design your development project so that it meets the environmental criteria better. It would also 16 17 allow you to do mitigation and offsets to make up 18 whatever the impacts are. We really need to look at 19 a holistic approach, need to look at a prioritization 2.0 approval instead of first come and first served. 21 Does a hospital or a golf course get the water 22 allocation? Does a project provide for public open 23 space and restores wetlands and cleans contaminated 24 sites, someone building a deck on their shore home, 25 that is what we really need to look at overall.

```
do we make things more efficient while protecting the
1
2
   environment? Change our strategies when it comes to
3
         So I just wanted to kind of close on that.
 4
   Well, I want to add one other point. We need to do a
5
   better job managing consultants.
                                      That comes into the
6
   department of they come in, put in any kind of
7
   information, whether it's even false information and
                              In fact, sometimes they
8
   there's no consequences.
9
   come in and put in things and expect the staff
10
   persons to fix the applications for them, tax forms,
   65% of delays in permitting came from applications
11
12
   that were not complete or had bad information on it.
13
   And we've seen the consequences. And just use one
14
   example. Do one story. One consultant put in a
15
   study for development and in each you have
16
   development of rattle snakes on their desks.
17
   they did the study in December when all the rattle
18
   snakes were hibernating.
                              There are direct
19
   consequence to people's property. And so on.
                                                    So I
2.0
   would want to leave you with that as you try to make
21
   New Jersey more efficient. Remember the environment
   is a major part of our economy.
22
23
                  LIEUTENANT GOVERNOR GUADAGNO:
24
   you very much.
25
                  MR. MARTIN:
                               Thank you.
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LIEUTENANT GOVERNOR GUADAGNO: 1 2 questions? 3 MR. RUMANA: One thing real fast. 4 Jeff, do you have any idea how much money the federal 5 government gave the state for still water management? MR. TITTEL: 319 monies are about three 6 7 million a year that come in and then there's other 8 funding also. Another pot of money, water shed, moneys, five million that come out of CBT. 9 10 could also be going a lot of those moneys get budget 11 tap dances to put it nicely. 12 MR. RUMANA: I think that gets right 13 back to the problem. If even if you took the entire three million dollars to the towns, it's not coming 14 15 close to covering the cost. 16 MR. TITTEL: Other issue is I happen to 17 believe in the system that Florida has for storm 18 water utilities at the local level that charge a fee and to people who discharge basically and use that 19 2.0 money to run the programs and to help retrofit, you 21 know, areas where there are problems. So I really 22 think we really need to think of other ways of doing 23 things. And stormwater is a very big issue in the 24 state. I think the towns are right. Another point 25

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LIEUTENANT GOVERNOR GUADAGNO:
1
                                                 Put you
2
   at the end of the line and we'll be able to make that
3
   point.
 4
                  MR. RUMANA: Real quick. It's on the
5
   storm water.
                  LIEUTENANT GOVERNOR GUADAGNO: If we're
6
7
   in here at 8:00, it's your fault.
8
                  MR. RUMANA:
                               The only reason I bring it
   up is it's been raised five times today. Sharing
9
10
   services, regionalization. So maybe five towns share
   the truck cleaning but also saying the vacuuming the
11
12
   manholes, I think we need to help encourage and
13
   regionalize.
                  LIEUTENANT GOVERNOR GUADAGNO:
14
                                                  Lynn
15
   Strickland. Garden State Coalition of Schools.
16
   Thank you, Lynn. She had a packet.
17
                  MS. STRICKLAND:
                                   Hi.
                                        Good afternoon.
18
   And I thank you for the opportunity to be here and
19
   talk about something near and dear to the Garden
2.0
   State Coalition since its inception in 1992.
21
   Lynn Strickland, the director of the Garden State
22
   Coalition. I had the opportunity to speak before the
23
   subgroup of the Red Tape Review group in December.
24
   Thank you for the invitation on that. I'm not going
25
   to go through all my testimony, just hit on some
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points. I do want to say this Garden State is 1 2 comprised with parents, board of ed. members, and 3 school administrators, and very interested in school 4 funding and stability for schools and quality education. 5 We're a grass roots group. I'm the only full-time employee. 18 years old and have hundred 6 7 member districts throughout the State, primarily 8 So a high priority for us, as I said suburban. before, is the mandate and regulatory relief. 9 feel it's a -- would be a welcomed balance to school 10 communities to have some mandate relief. The sooner 11 12 the better. Especially when you have a fiscal crisis 13 like we're facing in terms of time and money. go a long way to get some relief going. 14 We note the 15 wait in which Trenton float the district slowing down 16 on moratorium on new school legislation. In general 17 there is a whole lot out there that takes up a lot of 18 time and thinking and also many times bills tend to 19 consider schools one size fits all category and 2.0 they're really is a need to differentiate. We also 21 want to mention that Garden State participates in New 22 Jersey council of local mandates review, not review 23 council local mandates on the radon case. This is a 24 great tool for school districts to have. There's a 25 bill out there that would enable Garden State and

associations and like to be able to pursue an issue 1 on its own. Right now it's not set up like that. 2 3 Only initiated by a local school district, for 4 instance, and a group like ours come on and attach 5 itself to it like a mucous. Like the team report in general transition team in general, many of our 6 7 suggestions mentioned or saw them there. A call for 8 the moratorium on the new programs expectation fiscal assessment done for on all new legislation, 9 10 particularly looking at the relationship with the bill and its impact on local property taxpayers and 11 12 Right now it's generally done if it's done at 13 all at the request of a sponsor and for cost of over a hundred thousand dollars to the state, but there's 14 15 no requirement that they have to look at local cost. 16 So we really think that would be a benefit to all the 17 Also a moratorium on the school way around. 18 accountability regulations. Accountability is, 19 obviously, is a good thing. The details to which 2.0 they are really multi-honed and finite and very 21 difficult and can be reviewed for ease, there's no 22 doubt about it. We hope that the 1.5% plan for 23 teachers to contribute to their health benefits 24 That is what we consider would be helpful in passes. 25 helping school boards and school communities and

local taxes as well. We hope that the last best 1 2 offer gets re-instated as a negotiation tool. 3 Mediation, we would like to see the system improved 4 overall and require that mediators take the economy 5 in account. Right now they don't have to and we hear -- I keep hearing there's only four mediators that 6 7 it's hard to believe there are very few. 8 very hard to move negotiations along fluidly and they We hear there is talk about an incentive buy should. 9 10 out program conform with the legal process and not violate pension rules and that would be a good idea, 11 12 especially when you have a situation that you have to 13 downsize. I believe there's still a penalty imposed on districts that have left the state health benefits 14 15 plan and have come back. They get penalized for 16 having left and all districts have to shop around for 17 the best health benefits plan for -- because of the 18 cost factors involved. QSAC is a way of monitoring 19 school districts. Every three years they all get --2.0 take a look at three years on a particular district, 21 applies to all districts. Districts performing well 22 and pass the prior QSAC and it should move to at 23 least seven years. Not every three. Allow parents to donate their time, material, and labor in their 24 25 own school district. Prevailing wage kicks.

```
right now we hear often from parents, our
1
2
   contractors, whatever, that they are not allowed to
3
   do that. And then they're prepared to donate time.
 4
                  SENATOR BUONO: Not allowed anymore?
                                                         Ι
5
   used to do that all the time.
                  MS. STRICKLAND:
                                   I think it's a little
6
7
          If you're a contractor and you want to help do
8
   something, build a bathroom or whatever.
                  SENATOR BUONO:
9
                                  Okay.
10
                  MS. STRICKLAND:
                                   You're not allowed to
11
   because it's a prevailing wage issue, so on and so
12
           In terms of volunteering your time you're
13
   welcome to keep doing it. Centralized non public
   searches on a county-wide basis for transportation
14
15
   issues would be a real help, alleviate the locals
16
   having to do it, probably better at the county basis.
17
   We have attached a list of what we presented in
18
   December. It is a little cleaned up and hopefully
19
   easier to read and a little more specific. And any
2.0
   time we're happy to come up with more and we're
21
   always thinking of more.
22
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
23
   you very much. Any questions? Wonderful.
                                                Barbara
24
   Hall of the New Jersey School Board Association.
25
                  MS. HALL:
                             Thank you, Lieutenant
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Governor Guadagno, senators, assembly members, 1 2 commissioners, good evening. My name is Barbara 3 I'm governmental relations staff at New Jersey 4 School Boards Association, nonprofit association of 88 local boards of education, 44 charter schools. 5 Wе have approximately 8 school board members in the 6 7 State of New Jersey who serve as volunteers on a 8 state board of education. They govern school districts that represent 1.4 million children. 9 10 Primarily our organization trains members of board of education in charter school trustees be provided 11 12 consultation and on site service of labor relations, 13 policy school law, superintendent evaluation, 14 communications, and education goal setting, which is 15 very important. When the cost of any service is 16 examined in New Jersey, especially in difficult times 17 like we're facing right now, schools typically lament 18 unfunded mandates. Our association policies under 19 state mandate's very clear. The state pay for new 2.0 requirement placed on school Districts. Oftentimes 21 for legislation that's the first thing we look for in 22 a bill and policy driven, so oftentimes that's 23 exactly our only statement on a bill. On two 24 occasions school boards have successfully argued 25 before the state council on local mandates turning

back unfunded requirements that would have violated 1 the 1995 constitutional amendment prohibiting new 2 3 unfunded mandates. The state has not really 4 addressed existing mandates without talking about old 5 And we as an organization have examined this In the 1990's the school board 6 through the years. 7 association did a study called the state and federal 8 mandate project. It identified 234 specific requirements effecting school districts. We found 9 10 that a lot of them were good. They weren't all bad. The ones that were good absolutely are pertaining to 11 12 certainly annual performance evacuation of chief 13 school administrator and, of course, ones that 14 pertain to health and safety. And what comes to mind 15 for me is the arms on a school bus, swing arms. 16 Very, very effective. And we're glad to have it. 17 But mandates that do not use effective results are 18 ones that need adjustment to better balance the 19 interest of New Jersey students. And I suspect that 2.0 what I'm going to say to you, you have heard a lot of 21 before and it's mostly different than what Lynn said. 22 The greatest cost driver, one of the greatest cost 23 drivers in public education is special education. 24 And no one will dispute what we do in New Jersey in 25 special education is very, very successful.

the story, though, is chronic underfunding by the 1 state and federal government. And laws also that 2 3 weigh heavily against school boards whenever there's 4 a dispute over the individual student's educational In 2007 we conducted a study called financing special education in New Jersey, which found that the 6 7 growth in special education cost which total 3.3 8 billion from roughly 240,000 special ed. students could largely be attributed to tuition and 9 10 transportation for out of district placement programs. Intensity for services has increased over 11 12 the years and that's added to the cost. 13 addition, poor decision for local school districts, that's critical because 57% of special education 14 15 costs bore by the local taxpayer and the remainder from state and federal staff. 16 The small path of 17 funding 9% from the federal government yet the major 18 body of mandates come from the federal government, 19 which is tidia, I think, the individuals with 2.0 disabilities act and I'm sure you're all familiar 21 with it. When there is -- there is an identification 22 of services you know all the child individual plan 23 but when that does not meet the specifications or the 24 desires of the students, parents, or guardians we 25 school districts oftentimes find themselves in a

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very, very difficult relationship. And a recent law
1
2
   that was passed gives parents and guardians an even
3
   stronger position and lengthens the legal process.
 4
   And that was the recent law that was passed about the
5
   burden of proof. We urge the commission repeal of
   the statute an action that would balance the rights
6
7
   of special education students with the rights of
8
               There's a new school funding formula and
   taxpayers.
   it changes how the state provides aid for special ed.
9
10
          There's an average a lot of time districts
11
   have more than that average. And it's a problem.
12
   The new formula of state funding on the ability to
13
   pay rather the students observed rather, If you will
14
   funding at extraordinarily education cost.
                                                I was
15
   going to talk about the accountability of
16
   regulations. Lynn hit on a lot of those.
                                               And I know
17
   that you know about this.
                               I'm sure boards complain
18
   to you about it. We're heartened by the transition
19
   team report. We're overjoyed by the report on
2.0
   education. The only other thing that I was going to
21
   bring up was an issue about shared services.
22
   However, it's all covered on information that I left.
23
   And I'm sure that you will get a copy of all of it.
24
   Thank you so much for allowing me the opportunity to
25
   speak to you tonight. Please call upon us if we can
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be of service to you in any way. Thank you.
1
2
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
3
   you for coming down. Any questions? Appreciate
 4
   that. Thank you very much. Bob Martin is very happy
5
   that you didn't say anything about the DEP.
6
                  MS. HALL: I was trying to work it in
7
   there.
8
                  MR. MARTIN:
                               I'm sure.
                  LIEUTENANT GOVERNOR GUADAGNO:
9
   Robert White.
10
                  MR. WHITE: Dr. Robert White from
11
12
   Oakwood School. Hi. I learned about this meeting
13
   kind of today, so I didn't have time to prepare.
14
   took down some notes. I'm going to wing it.
                                                  As you
15
   said, I'm the director of the Oakwood School, which
16
   is a private nonprofit school for disabled children,
17
   emotional, social, and severe academic and learning
18
   problems. I am one of the co-founders of this school
19
   and I'm proud to announce we're celebrating our 30th
2.0
   vear. I kind of --
21
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  30?
22
                  MR. WHITE: 30.
23
                  SENATOR BUONO: How old are you?
24
                  LIEUTENANT GOVERNOR GUADAGNO:
25
   Congratulations.
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MR. WHITE: I was ten years old at the 1 2 time. However, because of the extreme over 3 regulation by the State of New Jersey and no child 4 left behind laws, I really kind of in the escalating costs that we now have to incur because of this and it speaks to your problems, you know, I am forced to 6 7 raise my costs. I really fear, and I'm not being 8 melodramatic, I may not see our year 32. I met with some people today at my school to discuss problems 9 10 that we're going to face. My job is to save kids' lives. I take kids that are not able to function in 11 12 the public schools not because they're incompetent, 13 not because they don't have excellent child study 14 teams, my kids are one or two standard deviations for 15 the normal functionality. These children that could 16 not make it in a public school, they need specialized 17 instruction. They need tender loving attention and 18 They need to identify with a teacher, a 19 It's like location, location, location. person. 2.0 It's the teacher, the teacher, the teacher. And back 21 in the day when I think we were allowed to run these 22 schools properly, we had contained programs. I could 23 put a teacher or really highly qualified aid or 24 teacher in the room six or seven kids that could 25 identify with the teacher. Now those days are over.

I have to make us the departmentalized, taking the 1 same concept not working and forcing us to do it. 2 3 you know I have children on the second grade level 4 come from broken homes that you were saying that were 5 abused, severe oppositional defiant problems, and now I have to have a biology teacher and earth science 6 7 teacher, a math teacher, you know. I have to have a 8 history teacher, a social studies teacher. And these kids who can't read on a second grade level go up to 9 10 Mr. Smith, the biology teacher, and he's going to -this kid is going to want to learn and he -- he can't 11 12 read on a second grade level. He doesn't care about 13 He's never going to care about it. He has severe emotional issues to attend to. So much of my 14 15 budget is escalating to hire staff and really they're 16 missing the boat. I need three counselors in my 17 I don't need a biology, chemistry, earth 18 science teacher. I just don't need it. And, you 19 know, you know, that's my point. I don't want to 2.0 beat a dead horse, but I'm being forced to spend way 21 too much money for the wrong reasons. And these kids 22 are not being saved. No child left behind is leaving 23 my boys behind. And I just think you need to be 24 aware of it. And when it comes time to look at the 25 federal standards that are not being applied to New

Jersey standards. The New Jersey standards are way 1 too high. You do not need to have all this staff. 2 3 highly qualified teacher of a handicapped can handle 4 these children. Since '65 Beatleson laws I think you 5 need to look at that. I thank you for your time. Thank you very much. 6 7 LIEUTENANT GOVERNOR GUADAGNO: 8 thank you coming down and truly speaking from your heart. I appreciate it. It's the first I hear of 9 10 I appreciate it, Doctor. 11 MR. WHITE: Thank you. 12 LIEUTENANT GOVERNOR GUADAGNO: Elaine 13 Mann here? You now can give us that paperwork. 14 MS. MANN: My name is Elaine Mann. Ι 15 represent 3,000 plus members of the neighbors opposed 16 to the propertization of Earl Weapons Naval Station. 17 The state legislation will now hear bill 762 on 18 Thursday to have a cost benefit analysis of this 19 project that the navy would like to do. The reason 2.0 why I'm here today is I know that our legislature 21 will take care of this but from a standpoint of being 22 a citizen and a taxpayer, my township has had to 23 compel over \$200,000 on lawsuits to the federal 24 government for their actions that they're going to be 25 taking today. And since we're here, as one of the

panelists said, she made a recommendation that there 1 2 are agencies in place that could study what the cost 3 benefit will do, what this bill promotes or the 4 treasurer will ask the education department to come 5 up with a cost benefit analysis. I just hope that this commission will look into a fact that when we're 6 7 federally mandated, and there's no cost to pay for 8 this, that a little town like Colts Neck and Tinton Falls with 11,000 and 17,000 residents can come to 9 10 this state and, perhaps, use some of the facilities that are open to us to get information to argue our 11 12 point down in Washington. I mean our legislatures 13 have been good in the state in the federal government 14 with getting an amendment to the Department of 15 Defense, authorization October revisiting this but 16 now we're doing it in the state. And they're already 17 implementing from the Department of Environmental 18 Protection. They have applied already and that's the 19 reason why I'm here just to look at it and I will 2.0 hand you all the information. 21 LIEUTENANT GOVERNOR GUADAGNO: Thank 22 you very much. We'll definitely pass it around to 23 the rest of committee and will take a look at that. 24 I appreciate you coming in. 25 MS. MANN: Thank you.

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LIEUTENANT GOVERNOR GUADAGNO:
1
2
   you, Mrs. Mann. Charles Kaufbrau? I might have that
3
   completely wrong.
 4
                  MR. KAUFMAN: Charles Kaufman.
                                                   Yup,
5
   we'll go next. I would speak on his behalf. I don't
   have to -- he had asked me to -- he had to leave.
6
7
                  LIEUTENANT GOVERNOR GUADAGNO:
8
   want to talk? I will get you next. William Peddy
   and he has submitted a document here under Dr. Peddy.
9
                  MR. PEDDY: I'm not the doctor.
10
                                                    I'm
   the substitution for my son who couldn't get here.
11
12
                  LIEUTENANT GOVERNOR GUADAGNO:
13
                  MR. PEDDY: And I believe I qualify.
                                                         Ι
   have been president of the State Board of
14
15
   Agriculture. I served on the SADC as a farmer
16
   representative for eight years and so -- and I've
17
   been -- I was chairman of the Burlington County board
18
   for 27 years so I think I --
19
                  LIEUTENATN GOVERNOR GUADAGNO: You
2.0
   qualify, I would say so, sir.
21
                  MR. PEDDY: Anyhow --
22
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 You're
23
   not going to get an argument from us.
24
                  MR. PEDDY: This all belongs under
25
   making money for New Jersey because we have early
```

preserve farms that had no -- have no ability to 1 separate out their building as nonseverable 2 3 exceptions. And all the law was passed in 1991 that 4 they could do agricultural exceptions but it was discouraged by the department. Now everyone likes the nonseverable exceptions. So when they preserve a 6 7 farm, many of them take them. They should be -- it 8 should be a very important thing that all these farms that are preserved have nonseverable exceptions. 9 10 That way you're not inspected every year. Every year 11 we go through an inspection. Every year I preserve 12 I was the second farm in Springfield 13 Township to preserve it. My son here, he preserved 14 in 1992 a year after they preserved, they passed this 15 law, but no one knew it, knew that it was passed 16 and/or this whatever you want to call it. 17 anyhow, he asked to have this building accepted 18 because he was a veterinarian. He was doing embryo 19 transfer work when he started. He has since switched 2.0 to smaller animals. He does everything from goats to 21 whatever and they inspected his farm, that was one of 22 the first things they did and he was turned down 23 because he wasn't allowed to groom. He wasn't 24 allowed to train animals, and he wasn't allowed to 25 board animals. So the court of Freeholdes turned him

```
down and made a recommendation of the county
1
2
   development committee and so they -- the only thing
3
   he could do was file against the County Board of
 4
   Agriculture because he didn't groom commercially.
                                                        Не
5
   groomed because he had to clean some animals up
   before he could treat them and he boarded some of
6
7
   those animals because they went through surgery.
8
   they couldn't do anything else. So that's part of
          But the buildings for us to buy back our
9
10
   non-severable sections, would bring money to the
   state. And I think that there we think that the rule
11
12
   should be that any farm that's preserved, must have
13
   nonseverable exceptions. That way the state doesn't
14
   have to pay for that land under the buildings and
15
   where the house is so --
16
                  LIEUTENANT GOVERNOR GUADAGNO:
17
   say here, you might also get more land preserved.
18
                  MR. PEDDY:
                              That's exactly right.
19
                  LIEUTENANT GOVERNOR GUADAGNO:
   Wonderful.
2.0
21
                              I made the yellow light.
                  MR. PEDDY:
                  LIEUTENANT GOVERNOR GUADAGNO:
22
23
   have been the only one today. Thank you very much.
   We'll pass it along.
24
25
                  MR. PEDDY:
                              I have to get home.
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polls close at 9:00. I have a two hour ride. 1 2 LIEUTENANT GOVERNOR GUADAGNO: Okay. 3 John Costigan on behalf of Mr. Kaufman. 4 MR. COSTIGAN: Thank you, Lieutenant Governor Guadagno, and the board. 5 Mr. Peddy was a 6 very sharp guy. Burlington County Agricultural 7 development board is one of the better functioning 8 boards for even today. And one of problems that he 9 has is that -- sorry, to get into that, seems to 10 follow the regulations on the state agricultural 11 development committee, which is the state run group. 12 You can't board a horse but you can breed a horse. 13 One is severable. The breeding would be severable 14 for farm land assessments, but just to board the 15 horse by itself is nonseverable. Yet money comes in 16 and the impact on the hay growers on the state is a 17 problem because usually the people that board and 18 don't have farm assessment, are paying a lot more in taxes for the land that -- from which no children 19 2.0 come to go to the school board and swallow up the 21 But my own thing, Charles Kaufman appeared 22 before the Howell Township council about three weeks 23 ago and he brought his tax bill with him. 24 paying to the township for the municipal part of the 25 government \$905. He's paying to the Squankum

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district 1, fire district $828. But that's because
1
   there are five districts in Howell.
                                         The districts
2
3
   from which he comes that pay a lot of money almost as
 4
   much as the people with similar houses are paying to
5
   the municipal government. Other districts have more
   ratables because his district has the township haul,
6
7
   the police station, the library, Allaire State Park,
8
   many parks and no ratables. He's paying $828.
   Another in the Ramtown district they're paying $275
10
   to their district. So that is a levy that's going
   out and it's not across the board. So Charles has to
11
12
   pay a lot of money. Other persons in other districts
13
   don't pay quite as much, maybe a third.
                                             So he's
14
   looking to do something about that. And that's why
15
   he couldn't stay but that's why he wanted to address
   this board.
16
17
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
   you any questions?
18
19
                  MR. COSTIGAN: And also he said that
2.0
   the person would call him if he couldn't be here and
21
   he asked that he be called, I guess, with any other
22
   information or if they want further information, that
23
   they call him.
24
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 A 1 1
25
   right. We will. Thank you very much.
```

MR. COSTIGAN: Thank you. 1 2 LIEUTENANT GOVERNOR GUADAGNO: Thank 3 Louise Usechak? Maybe if you spelled it for you. 4 the reporter, she would be a happier person. MS. USECHAK: U-s-e-c-h-a-k. I'm 5 Louise Usechak. I'm a member of the State League of 6 7 women Voters Natural resources committee, also 8 speaking really this afternoon just on behalf of the County, Monmouth County voters. We have a major 9 10 concern in question. I guess that is really my main reason for coming this afternoon and, that is, to ask 11 12 how you're going to guarantee protection on our 13 potable water supplies. You know if the first water 14 management and the unfunded mandates ultimately apply 15 who is going to be responsible? The water sheds 16 don't respect municipal or county boundaries. 17 former member of our state planning commission noted 18 a number of years back actually that by 2020 we could 19 expect New Jersey here to face major water supply 2.0 problems. That's only ten years from now and there 21 are parts of the state that are already having to go 22 face this. And this isn't counting drought 23 conditions, which we can expect to have more probably 24 global warming do precisely to the water supply 25 situation except that if it comes down faster, more

if it's going to runoff less sink in and supply deep 1 2 wells, and underground aquifers in the near future if 3 we have less, we have a situation in one of our main 4 two reservoirs in our county where if there's a 5 drought and the water levels fall in the reservoir, what happens is the ground water leads into the 6 7 reservoir and it has reduced the well levels. 8 one of the adjacent towns is actually on well water, all of the residents, and that's in our last major 9 10 drought there was a lot of redrilling of wells to try to search a different aquifer level. 11 So it is a 12 In any event, we recognize, of course, that 13 there are critical economic decisions that have to be But we really urge you to keep foremost in 14 15 your mind the protection of the water quantity and 16 the quality of our drinking water because it's 17 absolutely essential if we're going to protect our public health and welfare, if we want a state that's 18 19 economically viable in the end, it's essential to go 2.0 back and give a specific example about Monmouth 21 We have at -- first of all, we're very County. 22 fortunate here because we are the seven most county 23 that can have reservoirs. So the county is a little 24 bit split. We have two major reservoirs that serve 25 Monmouth County and two of three of reservoirs in our

county that serves Brick, Point Pleasant, et cetera. 1 But like to scratch this out. I didn't know what I 2 3 was going to say before I came. Sorry. In any 4 event, we're really concerned and we hope that you 5 will pay critical attention to our needs for this to the rules and the protections that we do have for our 6 7 water supply. Such as you know the extreme buffers, 8 the category 1 status, ground protection for ground water recharge areas, storm water wetlands. 9 All of 10 these things are the only things that really provide 11 us protection for our surface water supplies. 12 again, just one last thing and, that is Monmouth, 13 County is critical area number one for water supply. So designated back in the early '90's because we were 14 15 considered a sole source of aquifer. The water will 16 transfer from one aguifer level to another. And as a 17 result the other thing is that USGS was doing surveys 18 annually down at Point Pleasant and the aquifer 19 levels dropped 184 feet. They had to do that, which 2.0 means that even water purveyors will that take from 21 deep wells are supposed to supply about 50% of their 22 water from these companies or the New Jersey Water 23 Supply Authority, which administers the Manasquan 24 reservoir. So this is really crucial. We don't know 25 how you're going to do it. Economically things are

We hope you won't give way and keep this in tight. 1 2 mind as you go forward. Thank you. 3 LIEUTENANT GOVERNOR GUADAGNO: Thank 4 you very much Mrs. Usechak. I appreciate it. Thank 5 you. George Mirkus, River Nursery Thank you. 6 MR. MIRKUS: Yup. I wish 7 to thank the board for having me here and thank you 8 for your presence. There's a couple of things I want to discuss. And this mainly deals with small 9 10 business operation of a two man operation landscaping and grounds maintenance, and when I first started in 11 12 business 55 years ago in Brick Township we didn't 13 have sales tax. We didn't have an income tax. 14 over the years these were little add-ons that came 15 across, which was understandable because the state 16 didn't have money and things were simple filling out 17 the forms. However, many times the small business 18 owner was not informed of certain things that they're not required to do. For example, on my payroll I had 19 2.0 my wife and my son for a few years withholding 21 unemployment tax. And about five, six years ago I 22 just got a newsletter from the federal government 23 saying that sole proprietors are exempt from 24 withholding tax. So what I did was I tried to 25 contact the Department of Labor in Trenton, and they

all insisted I have to pay withholding tax. I went 1 to Neptune to the Department of Labor there to speak 2 3 to somebody and they said oh, yes, you have to pay 4 unemployment tax, which was about 5.5% out of each. 5 My share, the employee pays 1% approximately. finally I got a call -- I made a call to Trenton many 6 7 times and finally I got somebody who said, oh, you're 8 right, you don't have to pay. I said great. get my money back? So I filled out the forms and he 9 10 said I qualify. I'm -- everything is okay. get two years back payment returned to me. Two years 11 12 after paying 20 or 30 years of this unemployment tax? 13 And I said, wait a minute, years ago the state 14 audited my payroll and everything was fine. 15 didn't mention anything about not paying tax or 16 anything like that. And they said these people don't 17 know everything of what's going on. So I got my 18 money back and I said, by the way, if I made an error in my sales tax or unemployment tax, how far back do 19 2.0 they go? They go back five years. And they said oh, 21 yes, and I said they charge me interest. And I said 22 what about the interest for my two years? 23 interest. And if I was late with sales tax or 24 unemployment tax, there's also a penalty. So I wish the committee would look into that end of it because 25

I'm really, you know, concerned that some people may 1 2 or may not know what's going on on the administrative 3 end, on administrating these unemployment taxes. 4 Even if they could have a checklist, taking it off a 5 check list of ten items, just a basic check list a sole proprietor, you don't have to worry about that. 6 7 That's fine. But burns me up that I only get two 8 years back but if the state found an error in my work, it's five years so that --9 10 LIEUTENANT GOVERNOR GUADAGNO: Penalty. And the other thing 11 MR. MIRKUS: Okay. 12 a couple of other things concerning small business 13 and this pertains to what we -- they call a base 14 charge, and in this case it is the New Jersey Natural 15 Gas. All these utilities companies do it and this one bill that I own. I have residence and an 16 17 apartment and also a retail. There's a florist. So That's fine, both 18 just recently they changed meters. 19 identical meters. And there's only one gas line 2.0 going to service both meters. And one is divided for 21 business and one is divided for residential. So the 22 base charge for the residential per month is 8.25 no 23 matter how much gas you use. That's your usage and you get a bill for that no matter what it is. 24 25 metered. And then the base charge for the little

business I have, which is non functioning because the 1 2 florist left town for not paying the rent is \$25 a month. 3 Why should I subsidize the gas company \$25 a 4 I'm willing to pay 8.25 a month but \$25 a month? Whereas the residential use is 8.25. 5 month? this also effects municipal water company business, 6 7 small business pay more than residential. Electric, 8 gas, and water. And when you get into water that 9 involves sewerage and they pay a higher rate for 10 Like I said, if it wasn't metered, I understand everything is metered. 11 They have no idea 12 what cost this is that covers as far as trying to get 13 money back, it's fair and equitable. And as far as 14 paying for some of this, yeah, I'm in favor what they 15 call use taxes. In other words, people complaining 16 they don't have enough money to fix the roads and 17 other things. I said, you know, we use the roads. 18 We have a gasoline tax. We have to charge more in 19 gasoline tax. But the governor was against raising 2.0 taxes and in any form but I would say there should be 21 If you use it, you have to pay for it. a user tax. 22 That's my theory. And one more item I would like to 23 get back to the unemployment fund that's going to 24 increase because you people or your predecessors took two billion dollars 25

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LIEUTENANT GOVERNOR GUADAGNO:
1
2
   you glad he added the last part?
3
                  MR. MIRKUS: More that I was generous,
 4
   trying to be kind. At any rate, I don't think we
5
   should have an increase in this unemployment fund
   until the money is put back. And once it's used up
6
7
   then give -- if you need it, then increase it again,
8
   the user part of it. But let's not take the money
   out and forget about putting it back so --
9
                  LIEUTENANT GOVERNOR GUADAGNO:
10
                                                 thank
11
   you. I appreciate it.
12
                  MR. MIRKUS: You are welcome.
                                                  That was
13
   it. Thank you very much. I'm on red light.
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Okay.
14
15
   Amy Goldsmith.
16
                 MS. GOLDSMITH: Good evening.
                                                 My name
17
   is Amy Goldsmith, the state director of New Jersey
18
   Environmental, and I'm pleased to be here.
                                                Were all
19
   of you from the legislature and from the
2.0
   administration to talk about this issue no the
21
   governor maintains environmental safeguards in more
22
   efficient manner we allude at and appreciate the fact
23
   to find out what people are thinking. As stated
24
   earlier, pollution knows no boundaries. And New
25
   Jersey requires because of its historical
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industrialization and activities requires and demands 1 greater protections. In fact, the public has been 2 3 demanding for many years better protections than the 4 federal law. So we should continue at that because 5 we have actually seen the fruits of the labor and dollar commitments that we have made as well as towns 6 7 and other commitments. The solutions have been 8 developed over the years and often require state regional and at times national action. This required 9 10 collective action and at times mandates and the clean water enforcement act is one of those examples at our 11 12 organization as well as other environmental ones that 13 passed clean water enforcement act for the legislature passed. We lobbied for it. That 14 15 mandated fines and jail for not just, you know, 16 private industry like the sewer authorities to clean 17 up their act on the Jersey shore. And in the late 18 '80's and '90's people couldn't put their feet in the 19 water. Now people complain they're going to get bit by fish. 2.0 I'd rather complain about being bit by a 21 fish than complaining I've got a rash or 22 gastro-intestinal problem. Only cooling I can get is 23 the showers at the end of the boardwalk. So that was 24 a mandate and resulted in the tourist industry, the 25 beach industry, which is second to the pharmaceutical

industry, we can't afford to lose that and that was 1 2 because of a mandate. So in the past the DEP has 3 generated resources for many of its programs and over 4 time and I would say since the Witman administration, but maybe before and democrats and republicans and the like, go and tapped into DEP funds and used it to 6 7 balance the general funds. And as a result the DEP 8 was crippled in its ability to do the work that needs to be mandated. And also over time the recycling 9 10 fee, the tipping fee was expired and never -- well it was at some point reinstituted through the litter 11 12 tax, I quess it was last year or the year before, but 13 the innovation was done with the collection of those funds were vital to the local and county programs. 14 15 In fact, Monmouth County voted to be a non burned county. It did not build an incinerator. 16 It went 17 toward source reduction. It went towards a very 18 aggressive recycling program. It went to landfill 19 mining, and other things. Anything not to build an 2.0 incinerator. It was because there was funds made 21 available, not sunsetted in, talking about being 22 efficient and talking about unfunded mandates. 23 was a mandate to recycle 65% statewide. We were 24 almost there and then the fund was subsetted and then 25 the decline happened. And the DEP can actually

document it if you go to maybe the lone recycling 1 person that's left in the solid waste division, it 2 3 could speak to it, but it's documented. Without the 4 money, we aren't able to move forward. I want to 5 also talk about there are examples of mandates that actually reduced costs and Senator Buono was the star 6 7 of that in school program IPM Integrated Pest 8 Management, required all schools public private and charter schools to use integrated management rather 9 10 than just spray and blast through the schools. results of that actually one of the first places that 11 12 I adopted even before the law was passed, Cape May 13 County saved over \$10,000 in one year because it went IPM rather than doing spray every month no matter 14 15 New Jersey Environmental Federation partnered 16 with the pest control association with Rutgers 17 trained over 1500 facility managers by working in 18 partnership and we also change the standard of pest 19 control with Icam. Most indoor pest control if 2.0 applicators do IPM now don't just go in whether it's 21 a school, or hospital, or anywhere that was because 22 there was a mandate and just changed the way 23 everybody decided to do business. It changed the 24 standard. Rutgers now offered IPM courses and you 25 get extra credit. You get your continuing education

three credits instead of two credits a semester to go 1 2 into the right direction. Again, a mandate that 3 actually reduced costs. Another example I want to 4 give and then stop is at storm water management, which has been brought up several times. Los Angeles has developed this very innovative model of reducing 6 7 floods and approve water quality and quantity and 8 benefits they use by integrating the, whether it's parks or the utilities, and we hope to bring that 20% 9 10 through water infrastructure work here to Newark. We're looking for private funding for our 11 12 organization to work in Camden and in Newark. 13 the group has like a 60's kind of name. Anyone that wants to go see if you go to youtube, a piece by the 14 15 tree people. I don't -- but they're called the tree 16 These guys have done very, very people. 17 sophisticated work in the City of Los Angeles and 18 it's just it's amazing work. And the other thing as 19 a member of the clean water council I'm a former --2.0 the governor's appointed several appointed members we 21 are working on an asset management plan and we're 22 going to be presenting white paper to the 23 commissioner on how could we manage the water 24 utilities both drinking water and sewer in a better 25 -- so we can protect the rate money generated and

actually improve the infrastructure in a more 1 2 cohesive way. So we believe at the local ties our 3 stressing and straining in the state we believe it's 4 more cost effective to cost share at a higher level 5 of government, at times state government. So there could be revenues shared and spread out the cost of 6 7 those who can afford to pay, making it cheaper for 8 the local taxpayers who are paying exclusively 9 through property taxes. We applaud the fact that 10 you're having this meeting and through my official capacity of the clean water council and the 11 12 environmental I am happy to be available to offer 13 suggestions and --LIEUTENANT GOVERNOR GUADAGNO: 14 15 questions? Joan McGee? 16 MS. MCGEE: Thank you very much. 17 Joan McGee. I live in East Amwell Township speaking 18 as an individual citizen today. I would like to 19 address several unrelated issues, part of that, the 2.0 benefit of listening to everybody's wisdom today, I 21 get to address things that came up hopefully within 22 my five minutes the first one is education. I am a 23 past president of my local school board several years 24 ago and I would like to address the red tape in 25 education, not the things that were already

mentioned. One of the biggest problems that we saw 1 with red tape on my local school board was the entire 2 3 office structure in administrative rules concerning 4 the county board of county superintendents of 5 education. They are a huge cost. They have huge staffs and from what I saw they do very little except 6 7 They receive information act as a pass through. 8 about, you know, school requirements from the state. And they disseminate to the local districts. 9 10 receive budgets from the local district. They review them and they send them to the states and in the 11 12 meantime they have quite a number of staff supporting 13 them as the middlemen. I think a huge, huge amount 14 of money could be saved and red tape could be saved, 15 time could be saved, all 21 of these county school superintendents were eliminated along with their 16 17 There is no reason why the state cannot 18 communicate directly with the school districts and 19 the school districts should utilize computers with 2.0 all the budgets and all the information on line. 21 disagree with one of the earlier education speakers 22 about one size fits all concerning certain issues in 23 schools. One of my observations was that there is a 24 mandate to have curriculum updates every certain 25 number of years under the administrative code.

what happens is each school district either hires a 1 2 consultant if you're very wealthy district or hire 3 local teachers, which the taxpayers pay to update 4 your curriculum, usually it's within a role or on a schedule you know, science curriculum one year, math There are some curricula which are 6 the next. 7 completely necessarily and uniform. Such as 8 arithmetic. Such as algebra. Calculus. No reason for 600 school districts to develop their own algebra 9 10 curriculum. It simply doesn't make sense. big waste of time. It's a waste of red tape. 11 12 should not be allowed and it would save an enormous 13 amount of money. Algebra is algebra. It is the same 14 subject. There is something that cannot be updated 15 by the state or uniform curriculum such as science 16 which is a lot of times very individualized. Special 17 education is individualized to the students. 18 Definitely something that can be standardized. 19 next issue I would like to address is the rules 2.0 concerning the disabled. I am also the parent of a 21 disabled child but I do disagree that the costs are 22 ridiculous and astronomical and the preliminary 23 difference because every school district, once again, 24 has its own child study team. They do the same exact 25 work in trying to find placements. My experience

with individuals with child study teams and 1 individualized education programs is that there is no 2 3 learning curve for a child study team. Every student 4 they must reinvent the wheel for every student. 5 Whereas, if there was a centralized location not the county but maybe a state office that a state child 6 7 study team could provide all the information in 8 having each individual child study team search out every placement for every disabled student, it simply 9 10 did not make sense. And most of the parents wound up in my entire county in Hunterdon County doing it 11 12 themselves because there was no central location and 13 that's the kind of thing if you could mandate a state 14 requirement for centralized services, you would save 15 time, you would save a lot of money on child study teams. You could combine services for child study 16 17 teams part-time here and there. A tremendous benefit 18 to the system. The third area I would like to 19 address is, let me see, the next one is OPRA. 2.0 go to something completely different. I agree with 21 the prior two Mayors Levine and Ondish about problems 22 with commerce and harassing residents, but that's not 23 my main issue of concern. My main issue of concern 24 is the red tape involved with the government's 25 records council having filed OPRA requests and

appeals I think the system is seriously flawed 1 because the custodian of record allowed under the law 2 3 provides records in seven days unreasonable amount of 4 time given the amount of the requests they have. Ιf 5 a citizen is not happy and a citizen's legitimate interests in the transparency of government once they 6 7 appeal to the government records council, it takes 8 the council months, if not years. I have had one request that I had made on a budget which was refused 9 10 me and it took over two years for the government's records council to answer what kind of system has a 11 12 local requirement for seven days and no requirement 13 for a state agency to provide information. 14 simply makes no sense. The government records 15 council also gets involved in minutia in providing 16 information, you know, from citizens who shouldn't 17 have to provide so much information. And I just call 18 it the full employment for lawyers act. That's all 19 it is. The final issue just because everybody else 2.0 has mentioned it is storm water. I was also on my 21 local storm water committee. I would just like to 22 comment that although there was complaints about the 23 master plans, the master plan's completed and 24 approved by the state. There will not be any more 25 cost concerning those. It was a partially funded

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mandate. I think commissioner Martin said there was
1
   at least $5000 given to every municipality that
2
3
   didn't cover everything. It was partially funded but
 4
   they're done. You don't have to redo them again.
   There was -- there was also drain labeling, which is
         It was a requirement. It's completed.
6
7
   isn't necessary. There is also no mandatory
8
   requirement now to send out educational material
   twice a year as was indicated. There is now a ten
9
10
   point system. Municipalities choose which ten points
11
   they want, some that are very cost effective or cost
12
   nothing. So I would support continuation of the
13
   stormwater rules and strict enforcement. Thank you
14
   very much.
15
                 SENATOR BUONO: I had a question or a
16
   comment and a question. I appreciate your comments
17
   about the county superintendent for those who don't
18
   know that was part of the legislation called the core
19
   legislation, which I never understood the premises.
2.0
   I never understood the rationale. I voted against
21
   it. I spoke against it.
22
                 MS. MCGEE:
                              Thank you.
23
                 SENATOR BUONO: And as I recall, it was
24
   supposed to be a precursor to regionalization and
25
   consolidation. And it hasn't worked. And it, if
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anything, I didn't even think of the cost increase.
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2
   We knew it wouldn't save any money. In fact, one of
3
   the initiatives resulted in two of my towns being
 4
   merged, Spotswood and Helmetta. And Spotswood paying
5
   more property taxes, paying more luxury.
   designee to the new education commissioner has been
6
7
   responsive to my request to come and sit and talk to
8
   Spotswood on Thursday morning, and hopefully resolve
   it, but it doesn't look good for Spotswood,
9
10
   unfortunately, the property tax increases. Do you
   have any sense as to what the original rationale, did
11
12
   it make any sense when the bill past?
13
                 MS. MCGEE: No, because I came in in
14
   the middle. I was the president on my school board
15
   mid '90's.
               They were already entrenched. They had
16
   entrenched bureaucracy every time you appeal special
17
   education or budget, you're dealing with them first
18
   and then dealing with the state.
19
                  SENATOR BUONO: Don't they control the
2.0
   curriculum more closely as well?
21
                 MS. MCGEE: No.
22
                 LIEUTENANT GOVERNOR GUADAGNO:
                                                 That was
23
   one of the concerns at the time.
24
                 MS. MCGEE: They approved things from
25
   my perspective rubber stamped.
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SENATOR BUONO:
                                  Anything beneficial
1
2
   county wide superintendent, can you be objective?
3
                  MS. MCGEE: Through special ed. they
 4
   did mediate some cases, let's put it that way.
                                                     The
5
   special ed. coordinators tried to come in and
             Some instances it worked and some it
6
7
   didn't. That was one I did see some people who
8
   worked through that system.
                                 That's all.
                  LIEUTENANT GOVERNOR GUADAGNO:
9
10
   you very much. Anybody else?
                  I have Mr. Galkin and his wife here.
11
12
   Anyone else on the list? Mr. Galkin, you're the wrap
13
   up and Cynthia.
14
                  MR. GALKIN: Hi, good evening. George
15
   Gacklin, the private sector. Never held public
16
   office county or state level. My testimony is the
17
   red tape review regarding the NJDOT and the South
18
   Jersey unfunded mandate to include state and rested
19
   parties, land owner before and any and all local
2.0
   government actions, i. e., county borough actions in
21
   the development. To sum up my testimony unfunded
22
   mandates of providing notice or product professionals
23
   at least in the format, i.e. on the internet or
24
   intranet through the government and more importantly
25
   in the decision making process. Input should remain
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in place or in alternative funded by the State of New 1 What I'm addressing is that maybe 1996 2 3 Owens, Illinois went paperless. We have a government 4 in New Jersey that's not paperless and it's totally 5 capable of doing it. I was the defense Advance Project Agency League Rep in Afganistan. 6 I also 7 wrote reports every night for three and a half months 8 for Condalisa Rice, what was happening around the world and I did all this and worked in the Pentagon 9 10 or Army operations center in Iraq and Afganistan. The way I did it was I accessed the internet. 11 12 New Jersey right to here you have fiberoptics owned 13 by New Jersey DOT completely utilized. Maybe 5, 10%. 14 Why isn't anybody running it in some way? Why isn't 15 anybody using it? Run it not to be military run it 16 like a combat operation. You know, you can go to the 17 Defense Advance Research Project Agency and it's 18 MAEDE and she is fielding what's called tactical 19 ground reporting, the IGR. And what that is, it's a 2.0 way for your police officers to correspond with each 21 other through their Blackberry's and anywhere they 22 are in New Jersey. They can do their work or you can 23 actually change the reporting system and you can have 24 your local inspector take a picture of what was just 25 before it was buried. So the next person only has to

dig it up in two years. That's -- this is what 1 If it's GPS it has the grid on 2 you're looking for. It goes on and on. But the infrastructure is 4 The internet is here. And to get it back to here. 5 my situation and no one leaves without talking about 6 If you have an application and suspends 15 days 7 and you get your only because you put an OPRA request 8 in a year ago, and you finally get the application that is involving your land without signing your 9 10 name, in other words, you know at opt one of the land owners signed but not the rest of the land owners and 11 12 you have two days to respond. But if you could tie 13 it to land owner, do it the software land owner gets 14 notice, because he's already put in his e-mail 15 address, what he's servicing -- with Montgomery 16 County you walk in go with your pleadings. 17 Pennsylvania if you walked in with pleadings, ran 18 through the scanner bank, you know it was served on 19 imposing council. You have it or you go to federal 2.0 court division and go in Sunday night, hand it in, 21 you have your file already made. This is all 22 And if you really want to consolidate 23 governments, the first step maybe like the military 24 is to modernize the records and to make the sergeant 25 be able to talk to the E5 sergeant and brigade

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commander. What happened on a route camera on the
1
2
   helicopter run and run it all the way down and then
3
   come back and the captain of the aircraft loads the
 4
   brigade commander and has his reports. These police
5
   officers can do the same thing. Videotape this
   meeting, record it, and then I can access what
6
7
   happened here.
                   Although I went to high school up
8
   here but it was a nice drive.
                                   Thank you.
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                 A 1 1
9
10
   right.
11
                  MS. GALKIN:
                               Hi.
                                    I'm going to support
12
   and contribute a little bit
13
                  LIEUTENANT GOVERNOR GUADAGNO:
14
   right.
15
                  MS. GALKIN: Cynthia Galkin.
16
   real estate broker, insurance agent, mom, wife, and a
17
   paralegal. And I've been told that I probably have
18
   submitted the most OPRA requests of anybody in the
19
   State of New Jersey so this isn't complaining about
2.0
   OPRA, but this is bringing to light what I'm
21
   watching. For instance, you're talking about
22
   collapsing -- making things less expensive for the
23
   property owner and taxpayer, great. But you need to
24
   be looking at, and I'm going to use a microview, our
25
   property you need to look at if the state is involved
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in something to delegate the authority of the state 1 2 to let's say a county authority, might be doing a 3 disservice to the property owners because NJDEP isn't 4 perfect. But my responses received from DEP on OPRA have been great. There are a few departments that don't exactly provide data that can be worked out 6 7 when you go to the other levels, you go to the county 8 level, you go to the municipal level, and they have their reasons for not responding. But they're not as 9 10 thorough time-wise, is not even a problem. much the date that -- that's provided to you that 11 12 you're accessed to. It's just not available to 13 somebody that goes in for OPRA. I've been to the 14 government records council. I've had my appeals. Ι 15 thought the one time I had the government records 16 council review complaint, they were very thorough, 17 but then it was scrutinized and I figured okay 18 there's no sense in pursuing the matter. I know at 19 the point was made I was right, they were wrong. All 2.0 The point was made it was a long drawn out right. 21 process after the government records council had 22 gotten involved. I thought they were very qualified 23 in my OPRA complaint, but immediately I submitted an 24 OPRA complaint, an OPRA request on the 6th of 25 February to NJDEP U.S. Army Corps of Engineers and a

```
county authority U.S. Army Corps of Engineers
1
2
   responded by the 17th of February in disk form.
3
   statute corporation I'm still waiting. They've been
 4
   responsive but this state agency has delegated its
5
   authority to the county. So it's really waiting for
6
   information to come from the county. And the county
7
                             I don't want to have to
   is just not responsive.
8
   file, GRC complaints to get the data that I know
   exists and should have been provided to me.
9
                                                  So if it
10
   was automated, as George is explaining, then whether
11
   it's county, municipal, or state level that data,
12
   especially if it's engineer created though already
13
   data that they have in their word processors, their
   contacted files or et cetera that data should be
14
15
   readily available. Personal information, I
   understand that has to be edited out but automation
16
17
   in the OPRA request for the government records are
18
   available on the local, county, and state level
19
   should be a big time saver as well as a cost saver
2.0
   and that's my contribution.
21
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Any
22
   questions?
23
                  MR. MARTIN:
                               No.
                  LIEUTENANT GOVERNOR GUADAGNO:
24
                                                  You're
25
   going to be quiet? Somebody said something nice to
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```
1
   you.
2
                  Thank you very much. I appreciate it.
3
   Anybody else in the room that would like to say
 4
   anything at all before we close? As we did the last
   time I would like to ask the majority party to speak
6
   and say good night and then the minority party to
7
   speak.
8
                  MR. BURZICHELLI: Lieutenant Governor
   Guadagno, thank you again for a very, very not only a
9
10
   good session but a very worthwhile session,
   informative, helpful, and advancing the public
11
12
   discussion as we try collectively to cut through this
13
   and simply make it better.
                  LIEUTENANT GOVERNOR GUADAGNO:
                                                  Thank
14
15
   you.
16
                  SENATOR OROHO:
                                  The minority party says
17
              Thank you very much.
                                     Thank you.
18
                  LIEUTENANT GOVERNOR GUADAGNO:
19
   you very much. Next meeting is March 23rd at
2.0
   Montclaire University. The subject matter rules that
21
   make it hard to do business, et cetera in New Jersey.
22
                  (Whereupon the deposition was concluded
23
   at 7:55 p.m.)
24
25
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1	C E R T I F I C A T E
2	
3	I, STEFANIE TOWNS, a Certified Court
4	Reporter and Notary Public of the State Of New
5	Jersey, do hereby certify the forgoing to be a true
6	and accurate transcription of my stenographic notes
7	as taken on the aforementioned date and time.
8	
9	I FURTHER CERTIFY that the witness was duly
10	sworn according to law prior to testifying.
11	
12	I FURTHER CERTIFY that I am neither an
13	attorney for nor counsel to any of the parties; that
14	I am not related or employed by any of the parties or
15	any of the attorneys in this action; and that I am
16	not financially interested in this action.
17	alle
18	State of Tours
19	Designation Decords
20	
21	STEFANIE TOWNS, C.C.R. LICENSE NO. XI02103
22	NOTARY PUBLIC
23	
24	DATED: April 7th, 2010
25	DAIED. APIII /CII, ZUIU

	I	I	I
A	111:12,13	accomplished	activities
abandoned 14:3	117:22	54:25	77:5 127:1
<b>abate</b> 79:6	118:14	according	<b>actual</b> 74:18
abatement 79:9	120:20	11:22 64:16	79:12
90:21	121:21	64:19 88:17	actually 14:8
ability 5:23	122:21 123:4	88:24 94:12	15:12 24:10
15:2,8 29:22	123:15,22	145:10	26:10 31:22
48:12 49:22	124:6 126:9	account 35:3	38:23 40:14
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